

AN ACT TO REVISE THE CHARTER OF THE CITY OF DUMAGUETE

REPUBLIC ACT NO. 5797, June 21, 1969

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/e3ab529dd713/>

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

PRELIMINARY ARTICLE.—Title of Act

SECTION 1. Title of Act.—This Act shall be known as the Revised Charter of the City of Dumaguete.

ARTICLE I.—General Provisions

SEC. 2. Territory and boundaries of the City of Dumaguete.—The boundaries and limits of the City of Dumaguete shall comprise the territory within its present corporate limits or as hereafter changed in accordance with law.

The President of the Philippines may, by executive order, increase the territory of the City of Dumaguete by adding thereto such contiguous barrios and towns as may be necessary and desirable in the public interest.

SEC. 3. Corporate character of the city.—The City of Dumaguete constitutes a political body corporate and as such is endowed with the attribute of perpetual succession and possessed of the powers which pertains to a municipal corporation, to be exercised in conformity with the provisions of this Charter.

SEC. 4. Administrative districts.—The City Council may, by ordinance, divide the city into districts for all administrative and other municipal purposes, including the description of property. Such districts as may have been established by law in the city on or before the date on which this Charter shall take effect, shall remain in existence until changed or abolished by law or by ordinance.

SEC. 5. Seal and general powers of the city.—The city shall have a seal which shall be used in all documents of official character. It may acquire, take, purchase, receive, hold, barter, donate, lease, convey, and dispose of real and personal property within or without its corporate limits for the general interests of the city, condemn private property for public use, contract and be contracted with, sue and be sued, prosecute and defend to final judgment and execution, actions where its interests are involved, and exercise all the powers conferred by this Charter together with all the powers implied thereby or appropriate to the exercise thereof. The provisions of this Charter shall be construed liberally in favor of the city, to the end that it may have all the necessary powers for the efficient conduct of its municipal affairs. The specific mention of particular powers in other sections of this Charter shall not be construed as limiting the powers of the city in the premises to those thus mentioned.

SEC. 6. Exemption from liability 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 or any other city officer or employee, to enforce the provisions of the Charter, or any other law or ordinance, or from negligence of said Mayor or other city officers or employees while enforcing or attempting to enforce the provisions thereof.

SEC. 7. Jurisdiction of the city for police purposes.—The jurisdiction of the City of Dumaguete for police purposes shall extend throughout its territorial jurisdiction and also to six miles from the shore of Dumaguete City and over a zone surrounding the City on land of three 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 two hundred meters of any reservoir, conduit, canal, aqueduct or pumping station used in connection with the city water service.

The city court of the City of Dumaguete shall have concurrent jurisdiction with the Court of First Instance of Negros Oriental and the municipal courts of the respective municipalities to try crimes and misdemeanors committed within the said zone of three miles in width, within said drainage area or within said spaces of two hundred meters. The Court first taking jurisdiction of such an offense shall thereafter retain exclusive jurisdiction thereof. The police force of the several municipalities concerned shall have concurrent jurisdiction with the police force of the City of Dumaguete for the maintenance of good order and the enforcement of lawful ordinances throughout said zone, area and spaces but any license that may be lawfully granted within said zone, area or 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 Dumaguete.

SEC. 8. Elective officers; elections.—The elective officers of the city shall be the mayor, the vice-mayor and the councilors, all of whom shall be elected at large by the qualified voters of the city on the date of the regular elections for provincial and municipal officials, in conformity with the provisions of the Revised Election Code, and shall assume office on the first day of January next following their election, upon qualifying, and shall hold office for four years and until their successors shall have been duly elected and qualified.

SEC. 9. General qualifications of elective officers.—In addition to any special qualifications prescribed by this Charter, all elective officers of the city shall be qualified and registered electors of the city and hold no other public office except that of notary public or membership in the Armed Forces reserve, nor any other employment with the city or with the National Government or any province or municipality.

SEC. 10. Removal of elective officers by the President.— Any elective city officer may be removed by the President of the Philippines on proof of disloyalty to the Philippine Republic, but shall be entitled as a matter of right to notice and hearing before he may be removed, or upon conviction by final judgment by a competent court of any crime involving moral turpitude. The President may suspend such officer accused of disloyalty to the Philippine Republic for a period not exceeding thirty days pending the preparation and disposition of the charges: Provided, however, That should the accused be acquitted, he shall be reinstated and be entitled to the payment of any salary which he failed to receive during his suspension.

SEC. 11. Disqualifying acts and practices.—No officer or employee of the city shall give or promise to give any portion of his compensation or any money or valuable thing to any person in consideration of his having been nominated, elected, appointed or employed as such officer or employee. No officer or employee of the city shall willfully violate any provision of law relating to his office or employment, or commit any fraud upon the city, or convert any of the public property to his own use or knowingly permit any other person to do so. No officer or employee of the city shall detail or cause, any officer or employee of the city to do or perform any service or work outside of his public office, work or employment. No officer or employee of the city shall, directly or indirectly, coerce or intimidate, or attempt, directly or indirectly, to coerce or intimidate any officer or employee in the classified service of the city with a view to causing any such classified officer or employee involuntarily to resign his office or employment with the city. Any person convicted of any offense enumerated in this section, in addition to any other penalties by law, shall forfeit his city office or employment.

SEC. 12. Prohibited transactions.—It shall be unlawful for any city official or employee, directly or indirectly, to engage in any business transaction with the city, or with any of its authorized officials, boards, agents, or attorneys, whereby money is to be paid, directly or indirectly, out of the resources of the city to such city official or employee; 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 be surety on the official bond of any official or employee of the city; or to have a financial interest in any transaction or contract with the city or in which the city is an interested party; or to appear as counsel to defend any person or corporation against whom the city may have filed suit. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee found guilty thereof shall thereby forfeit his city office or employment.

SEC. 13. Full-time duty.—Each appointive city official and employee shall devote his time and attention exclusively during the usual office hours to the duties of his office. A city officer or employee shall hold no other public office except that of notary public in connection with his official duties or membership in the Armed Forces reserve. But this section shall not apply to other persons discharging public duties in the city under the National Government who receive no compensation for their services.

SEC. 14. Investigations and inquiries.—Upon a written formal complaint made under oath, which on its face provides reasonable basis to believe that some anomaly or irregularity might have been committed, the city council or the mayor, or any person or committee authorized by either of them, shall have power to inquire into the official conduct of any department, agency, or official or employee of the city and to make investigation as to city affairs, and for these purposes may subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence.

SEC. 15. Official bonds.—The city treasurer and all his deputies, and such other city officials or employees as the city council may by ordinance require so to do, shall give bond in such amount and with such surety as may be approved by the mayor. All such bonds shall be in favor of the city; and the premiums thereon shall be paid by the city.

SEC. 16. Limitations on contracts for personal services.—No contract for personal services to be furnished the city shall extend beyond the term of the mayor in office at the time the contract is approved; nor shall any such contract be valid unless made or approved by ordinance.

SEC. 17. Tax limitations.—The city council may levy an annual tax on real estate in the city not exempt from taxation at a rate not to exceed two per centum ad valorem: Provided, That the city council may levy an additional tax annually on all taxable real estate in the city at a rate not to exceed one per centum ad valorem on the condition that all proceeds from said additional levy shall be credited to and paid into a special restricted fund, to be known as the capital improvement fund, to be expended exclusively for the financing of capital projects as herein defined. For the purposes of this section, the words "capital project" shall be construed to mean any of the following: (a) any physical public betterment or improvement and any engineering, architectural or other similar studies and surveys thereto; (b) the acquisition of property of a permanent nature, including sites for city buildings, roads, or other public facilities; (c) the purchase of equipment for any public betterment or improvement when first erected or acquired. Expenditures from any capital improvement fund so established shall be made only as authorized by ordinances, duly adopted and approved, making appropriations therefor.

SEC. 18. Debt limits.—Any other law to the contrary notwithstanding, the city may incur indebtedness or other obligation to the payment of which the faith and credit of the city is pledged to an amount not exceeding twenty per centum of the total assessed value of the taxable real estate in the city.

As used in this section, the term "indebtedness" shall be construed to be the net figure obtained by deducting from the total outstanding indebtedness of the city all sinking fund assets and other reserves inviolably pledged or committed to its payment or retirement. The words "total outstanding indebtedness of the city" as herein used shall be construed to include all indebtedness contracted in the previous year or years, whether bonded or of any

kind whatever, but excluding the budgeted or estimated operating expenses of the city for the current fiscal year. For the purposes of this section, the assessed value of taxable real estate in the city shall be that used as a basis for the city tax levy for the fiscal year next preceding that in which the indebtedness is incurred.

ARTICLE II.—Office of the Mayor, the Vice-Mayor and the Secretary to the Mayor

SEC. 19. Nature of office; qualifications, compensation.—The mayor shall be the chief executive of the city and as such shall have immediate control over the executive functions of the different departments and agencies of the city, subject to the general supervision of the President as may be provided for by law. He shall be at least thirty years of age, and shall have been a resident of and a registered voter in the city for at least five years immediately prior to and at the time of his election. He shall hold office for four years unless sooner removed for cause as provided for by law, and shall receive a salary as provided for in Republic Act Numbered Four thousand four hundred seventy-seven and a commutable living allowance of five thousand pesos per annum.

SEC. 20. General powers and duties of the mayor.—The mayor shall have the following general powers and duties:

- To see that the provisions of this Charter, the ordinances of the city, and all laws within the jurisdiction of the city are faithfully enforced;
- To safeguard all the lands, buildings, records, monies, credits, and other properties and rights of the city, and, subject to the provisions of this Charter, to have control thereof;
- To see that all taxes and other revenues of the city are collected, and applied in accordance with appropriations to the payment of the city expenses;
- To cause to be instituted judicial proceedings to recover property and funds of the city wherever found and to cause to be defended all suits against the city, and otherwise to protect the interests of the city;
- To see that executive officials and employees of the city are properly discharging their respective duties. The Mayor may, in the interest of the service, transfer officers and employees not appointed by the President of the Philippines from one section, division, service, or department to another section, division, service, or department, without changing the compensation they receive;
- To examine and inspect the books, records, and papers of all officials agents, and employees of the city whenever occasion arises and at least once in each year;
- To give such information and recommend such measures to the city council as he shall deem advantageous to the city;
- To represent the city in all its business matters and sign in its behalf all its bonds, contracts, and obligations made in accordance with law or ordinance;
- To submit to the city council at least two months before the beginning of each fiscal 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 of the residents of the city concerning all classes of municipal matters of an administrative and executive character;
- To grant or refuse municipal licenses or permits of all classes including permits for benefits of whatever kind, any provision of law to the contrary notwithstanding, and to revoke the same for violation of the conditions upon which they were granted, or if acts prohibited 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 have been granted is carried on, or for any other good reason of general and public interests

- To exempt with the concurrence of the division superintendent of schools deserving poor pupils from the payment of city school fees or of any part thereof;
- To take such emergency measures as may be necessary to avoid fires, floods, and mitigate the effects of storms and other public calamities;
- To determine the time, manner, and place of payment of the salaries and wages of the officers and employees of the city;
- To require owners of houses, buildings or other structures constructed without the necessary permit or in violation of existing laws or ordinances, whether constructed on public or private lands, to remove or demolish such houses, buildings, or structures, within sixty days after notice, and upon failure of such owner to remove or demolish such house, building, or structure within said period, the Mayor may summarily cause its removal or demolition at the expense of the owner, any existing law to the contrary notwithstanding;
- To request, if public interest and safety so require, the assistance of the Philippine Constabulary and other police agencies of the National Government in maintaining peace and order and in the enforcement of laws and ordinances in the city and only upon specific request made, can the Philippine Constabulary assist in the preservation of peace and order and in the enforcement of laws and ordinances in the city;
- Subject to the provisions of the Civil Service Law and rules, to appoint all officers and employees whose salaries are paid wholly or partly from city funds, any existing law to the contrary notwithstanding, except such officials whose appointments are vested in the President or otherwise provided for in this Charter, and regular employees in the city auditor's office. Officials and employees appointed by the Mayor may be suspended by him for cause, and on the grounds provided by Civil Service law and rules, for a period not exceeding thirty days which suspension may continue for a longer period but not exceeding ninety days if concurred in by the City Council, and after proper investigation in accordance with Civil Service law and rules, and with the consent of at least two-thirds of all the members of the city council, may discharge such official or employee, any provision of law to the contrary notwithstanding. The Mayor may investigate or order the investigation of any city official or employee not appointed by him and may recommend to the President or to the proper national department head the suspension or removal of such official or employee;
- To prepare and make out plans for the physical development of the city, zoning and land subdivision rules and regulations, subject to the approval of the city council, any existing law or executive order to the contrary notwithstanding;
- To release, subject to such conditions as he may see fit, or unconditionally, any person imprisoned or sentenced for violation of a city ordinance, or remit the sentence of such person, or any part thereof; and
- To perform such other duties and exercise such other executive powers as may be prescribed by law or ordinances,

SEC. 21. The vice-mayor.—The vice-mayor, who shall, at the time of his election, possess the qualifications required of the mayor, shall perform the duties and exercise the powers of the mayor in the event of death, resignation or permanent incapacity of the mayor for the completion of the unexpired term of the latter. He shall hold office for four years, unless sooner removed for cause as provided for by law, and shall receive a salary as provided for in Republic Act Numbered Four thousand four hundred seventy-seven. The vice-mayor shall perform such additional duties as may be assigned to him by the mayor or prescribed by ordinance.

If, for any reason, the mayor is temporarily incapacitated to perform the duties of his office because of absence on

leave, sickness, or any temporary incapacity, the vice-mayor shall perform the duties and exercise the powers that may be delegated to him in writing by the mayor, during the period of the Mayor's temporary incapacity.

In the event of temporary or permanent vacancy in the office of the vice-mayor, the city councilor who obtained the largest number of votes in the local elections immediately preceding shall assume the office of vice-mayor. If, for some reason, the councilor obtaining the largest number of votes in the local elections immediately preceding is incapacitated from assuming the office of vice-mayor or refuses to assume said office, then the councilor obtaining the next largest number of votes shall assume the office of vice-mayor, and so on until the vacancy is filled.

In the event that permanent vacancies in the offices of mayor and vice-mayor occur simultaneously, then the councilor obtaining the largest number of votes in the local elections immediately preceding shall assume the office of the mayor and the councilor obtaining the second largest number of votes shall assume the office of vice-mayor. If, for some reason, the councilor obtaining the largest number of votes is incapacitated from assuming the office of mayor or refuses to assume said office, then the councilor obtaining the next largest number of votes shall assume the office of mayor, and the councilor obtaining the next largest number of votes after him shall assume the office of vice-mayor, and so on until the vacancies are filled.

Should the mayor-elect die before assumption of office or fail to qualify for any reason, then the vice-mayor-elect shall assume the office of mayor, but in the latter case he shall hold such office only until the mayor-elect qualifies. Should the vice-mayor-elect die before assumption of office or fail to qualify for any reason, then the councilor obtaining the largest number of votes in the local elections immediately preceding shall assume the office of vice-mayor.

Any permanent vacancies in the city council shall be filled by appointment by the President of the Philippines, upon the recommendation of the local chapter of the political party to which the former incumbent belonged at the time of his election.

SEC. 22. Secretary to the mayor.—The mayor shall appoint one secretary who shall have charge and custody of all records and documents of the city and of any office or department thereof for which provision is not otherwise made; shall keep the corporate seal and affix the same with his signature to all ordinances and resolutions signed by the mayor and to all other official documents and papers of the government of the city as may be required by law or ordinance; shall attest all executive orders, proclamations, ordinances, and resolutions signed by the mayor, and shall perform such other duties as the mayor may require of him; shall, upon request, furnish certified copies of all city records and documents in his charge which are not of a confidential character, and shall charge fees as may be prescribed by resolution of the city council, payable direct to the city treasurer. He shall perform also such duties as are required of the heads of the departments of the city government and for the purposes of this section, the secretary will be considered the head of a department. The secretary shall receive a salary of nine thousand three hundred pesos per annum. The position of secretary shall be regarded as within the unclassified civil service and the secretary shall hold office only during the term of office of the appointing mayor and until a successor in the office of secretary is appointed and qualified, unless sooner separated for or without cause by the mayor.

ARTICLE III.—The City Council

SEC. 23. Compensation and organization.—The city council shall be the legislative body of the city and shall be composed of eight councilors, who shall be elected at large by popular vote during every election for provincial and municipal officials in conformity with the provisions of the Revised Election Code. The vice-mayor shall preside over the meetings of the City Council but shall have no right to vote except in case of a tie. He shall sign all resolutions and ordinances immediately after their approval by the city council.

Whenever the vice-mayor performs the duties and exercises the powers of the mayor in the event the latter is temporarily incapacitated to perform the duties of his office due to absence on leave, sickness or temporary disability, he automatically ceases to be the presiding officer of the city council.

The councilor who assumes the office of vice-mayor under the circumstances stated in Section twenty-one of this Act, and as such also assumes the office of mayor when the latter is temporarily incapacitated to perform the duties of his office due to circumstances stated in the next preceding paragraph shall, while so assuming the office of mayor, not perform any duty as member of the council. Where a member of the city council exercises the functions of the vice-mayor, said member ceases to take part in the deliberations of the council except to preside.

For service as acting mayor or acting vice-mayor, the Vice-Mayor or member of the council shall receive a total compensation equivalent to the salary of the mayor or vice-mayor as the case may be, during the period of such service.

In case of sickness or absence or any other temporary incapacity of any member of the city council, or if, for any reason, it becomes necessary to maintain a quorum, the mayor may make a temporary appointment, the person receiving the same shall possess all rights and perform all the duties of a member of the city council. The members of the city council shall each receive a salary as provided for in Republic Act Numbered Four thousand four hundred seventy-seven.

SEC. 24. Qualifications—Election of Councilors.—Each councilor at the time of his election shall be not less than twenty-three years of age, and shall have been a resident and registered voter in the city for at least two years. The eight candidates receiving the greatest number of votes at any election shall be declared elected and any tie for the eighth place shall be broken by the drawing of lots as provided for in the Revised Election Code. If any person so elected is ineligible to hold office, or if, for any reason, there shall be a failure to elect one or more members, no special election shall be called, but the vacancy or vacancies shall be filled for the term by appointment by the President. Insofar as they are applicable, all provisions in the election law are made effective as to the members of the city council and to their election, to the same extent as if the City of Dumaguete were a province and the election of said members were the election for members of the provincial board, except where there is a conflict between the provisions of the election law and this Charter, in which case, the provisions of this Charter shall prevail. The qualified voters of the City of Dumaguete shall be entitled to vote in the election of the provincial governor, the provincial vice-governor and the members of the provincial board of Negros Oriental, and, for this purpose, the city shall continue to form part of the province.

SEC. 25. Legislative procedure.—The first meeting of the newly elected city council shall be held at ten o'clock in the morning of the first day of January following its election, after which the council shall meet regularly at such times and on such days as may be prescribed by resolution but not less frequently than once each week. The Mayor, at his instance or at the request of any three members of the council, may call special meetings of the council upon at least twelve hours notice to each member. Such notice shall be delivered personally to each member or left at his usual place of residence with some responsible person. All meetings of the council at which any official business is transacted shall be open to the public unless otherwise ordered by an affirmative vote of majority of all the members of the council. The council shall determine its own order of business and rules of procedure not herein set forth, punish the members for disorderly conduct, and, with the concurrence of two-thirds of all the members of the council, may suspend a member for not more than sixty days, and by the same vote but subject to the approval of the President, may expel a member. Five members of the council shall constitute a quorum for the transaction of business. But a smaller number may adjourn from day to day and may compel the immediate attendance of any member absent without good cause by issuing to the police of the city an order for his arrest and production at the session under such penalties as shall have been previously prescribed by

ordinance. Five affirmative votes shall be necessary for the passage of any ordinance, or of any resolution or motion directing the payment of money or creating liability. Except as may be otherwise expressly provided in this Charter, all legislations, including, but not limited to, all Acts establishing a fine or other penalty or providing for the expenditure of public funds, or for the contracting of indebtedness or liability, shall be by ordinance.

Each approved ordinance, resolution or motion shall be sealed with the seal of the city council, signed by the presiding officer and the secretary of the city council and recorded in a book for the purpose and 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, resolution or motion or vetoed by the mayor as hereinafter provided.

SEC. 26. Procedure as to ordinance following passage— mayor's veto powers.—Each ordinance enacted or adopted by the council after being signed by the secretary and the presiding officer shall be forwarded to the mayor for his approval. Within ten days after receipt of the same, Sundays and holidays excepted, the mayor shall return it to the council 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 again be enacted by the affirmative vote of six members of the city council and again forwarded to the mayor for his approval, and if within ten days after its receipt, Sundays and holidays excepted, he does not again return it with his veto, it shall be deemed to be approved. If within said time he again returns it with his veto, it may again be reenacted by the affirmative vote of six members of the city council, and, in such case, the ordinance is deemed approved.

The Mayor shall have the power to veto any particular item or items of an appropriation ordinance, or of any ordinance, resolution or motion providing for the expenditure of public funds or for the contracting of indebtedness or liability, but the veto shall not affect the item or items to which he does not object. In such a case, the approved items shall take effect and the disapproved items shall not take effect, unless subsequently passed by the council over the mayor's veto as hereinabove provided with respect to other vetoed ordinances. Should the disapproved items fail to be passed subsequently, then the corresponding item or items in the appropriation ordinance of the previous year shall be deemed restored unless otherwise expressly directed in the veto. Each approved resolution and ordinance shall be sealed with the seal of the city council, signed by the presiding officer and the secretary and recorded in a book kept for that purpose.

SEC. 27. Appropriation by the city council.—The city council shall make all appropriations for the expenses of the government of the city. Whenever the city council fails to pass any appropriation ordinance for any fiscal year before the end of the previous fiscal year, the appropriation ordinance for such previous fiscal year, shall be deemed reenacted, and shall go into effect on the first day of the new fiscal year as the appropriation ordinance for that fiscal year until a new appropriation ordinance is duly enacted.

SEC. 28. General powers and duties of the city council.—Any provision of law and executive orders to the contrary notwithstanding, the city council shall have the following legislative powers:

- To provide for the levy and collection of taxes for general and specific purposes, including the power to institute the necessary proceedings for the distraint of personal property or levy on real property sufficient for the satisfaction of delinquencies in the payment of business taxes, license fees, and other imposts due to the city; and apply the same to the payment of city expenses in accordance with appropriation;
- To make all appropriations for the government of the city, and to fix the number of officials and employees of the city and approve their salaries or wages not otherwise provided for in this Charter;
- To fix the tariff of fees and charges for all services rendered by the city or any of its department, branches and

offices;

- To provide for the construction, purchase, or the rental, in case of need, and maintenance of the necessary buildings for the use of the city;
- To provide for the establishment and maintenance, or aid in the maintenance of primary, intermediate, secondary, trade, agricultural, technical and vocational schools and institutions of higher learning, whether conducted by the National Government or not, and to acquire by purchase, donations, or in any manner whatsoever, real estate necessary thereto and to construct, purchase, lease, any building or buildings to carry out the above purpose;
- To fix reasonable tuition fees, matriculation fees and other fees for instruction in such schools maintained, supported or aided by the city;
- To maintain the city courts established by law which shall have jurisdiction over all criminal and civil cases under the ordinances of the city, and such further jurisdiction as may herein or hereafter be conferred;
- To provide for the establishment and maintenance of a police force, for the maintenance of law and order in the city and prescribe the powers and duties of its members and make all necessary police ordinances; and to establish, construct, maintain and regulate a city jail, or otherwise to arrange for the confinement of city prisoners in the provincial jail;
- To provide for the prohibition and suppression of riots, affrays, disturbances and disorderly assemblies; houses of ill-fame and other disorderly houses; gambling houses, gambling and all fraudulent devices for the purpose of obtaining money or profit; prostitution, vagrancy, intoxication, fighting, quarreling, and all disorderly conduct; the printing, circulation, exhibition or sale of obscene pictures, books or publications, and for the maintenance and preservation of peace and good morals;
- To provide for and maintain a fire department and to establish, acquire and maintain engine house, fire engines, hose carts, hooks and ladders, and other equipment for the prevention and extinguishment of fires and to regulate the management and use of the same;
- To establish fire zones, determine the kinds of buildings or structures that may be erected within their limits, regulate the manner of constructing and repairing the same, and fix the fees for permits for the construction, repair, or demolition of buildings and structures.
- To regulate the use of lights and electricity of 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, candles, torpedoes, skyrockets and other pyrotechnic displays, and to; fix the fees for such permits;
- To make regulations to protect the public from conflagration and to prevent and mitigate the effects of fire, famine, floods, storms, and other public calamities, and provide relief for persons suffering from same;
- In the public interest, to regulate the cutting of trees, whether on public or private lands that are located in watershed areas within the jurisdictional limits of the City of Dumaguete, and to require that owners of private lands that are deforested in such watershed areas allow the city authorities to enter upon with private lands to resoil erosion, or acquire such lands by expropriations;
- To establish or authorize the establishment of, fix the fees for the use of, slaughterhouses and markets, provide for their veterinary and sanitary inspection and inspect, regulate the keeping, preparation and sale of meat, fruits, poultry, game, milk, fish, butter, cheese, lard, vegetables, bread and other provisions or articles of food offered for sale; to adopt such measures to prevent the introduction and spread of disease as may, from time to time, be

deemed desirable or necessary, and to permit and regulate or prohibit the establishment or operation within city limits of public markets and slaughterhouses by any person, entity, association or corporation other than the city;

- To establish and maintain municipal 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 cost of the proceedings; and to impose penalties upon the owners of said animals for the violation of any ordinance in relation thereto;

- To require all persons, firms, corporations or associations doing business in Dumaguete City to pay their income taxes in the city;

- To tax, regulate and fix the license fees for the following: hawkers, peddlers, hucksters, auctioneers, plumbers, barbers, blacksmiths, goldsmiths, silversmiths, embalmers, manicurists, hair dressers, massagists, tattooers, jugglers, painters, artists, acrobats, wrestlers, boxers, professional judo players, fortune tellers, magicians, jockeys, promoters of sporting and athletic events and amusement exhibitions, money changers, commercial and other brokers or agents, lawyers, medical practitioners, land surveyors, architects, public accountants, civil, electrical, chemical, mechanical, mining, marine, or refrigeration engineers, radio engineers and technicians, psychiatrists, veterinarians, dentists and dental surgeons, opticians and optometrists, insurance agents and sub-agents, business agents and business consultants, exporters, importers, indentors, professional appraisers or connoisseurs of tobacco or other domestic or foreign products, music teachers, piano tuners, nurses, midwives, electrical contractors, building contractors, dealers in gravel and sand, advertising agents and solicitors, physical culture instructors, chiropodists, real estate dealers and brokers, persons engaged in the transportation of passengers or freight for hire, milliners, interior decorators, printers and bookbinders, sweepstakes and lottery agents, bakers, photographers, photo engravers, dormitory, boarding house, lodging house and hotel operators, beauticians, mechanics, watch repairers, electricians, waiters and waitresses, dancing instructors, bartenders, bodyguards and security guards, nightclub operators and managers, public stenographers and typists: Provided, That persons exercising their professions or occupation only as salaried employees and not as independent practitioners may be exempt from the municipal occupation tax herein prescribed; and to tax, regulate and fix the license fees on manufacturers and dealers of: batteries for motor vehicles, jewelries, embroideries, sails or awnings or both, rope, paper, leather goods, including shoes, slippers, sandals, harnesses, valises or bags, mosquito nets, laces, veils, curtains, sporting goods, rubber goods, plastic and celluloid products, hardware including glassware, cooking utensils, electrical goods and construction materials, chemical products including drugs, perfumes, toilet articles, paints, dyes and inks, textiles, shell lamps or lampshades or both, statuettes or tombstones or both, sacks, musical instruments, furniture of all kinds including rattan goods, wire, brass beds, or both, clothing, hats, eye-glasses or optical goods or both, fertilizers and buttons, poultry feed; manufacturers and dealers in coffee, chocolate, candies, sweets, and other similar products, ice cream, ice drops and milk.

- To tax, regulate and fix the license fees on collecting agencies, mercantile agencies, private radio, telephone, and telegraph communication establishments, shipping and airline firms and shipping agencies, intelligence offices, private detective and police agencies, security guard and watchman agencies, shooting galleries, hotels, dormitories, lodging houses, boarding houses, restaurants, cafes, sari-sari stores, refreshment parlors and places, tailor shops, flower shops, groceries, bakeries, cleaning and dyeing establishments, laundries, beauty parlors, the letting and subletting of lands and buildings, whether used for commercial, industrial or residential purposes, clubs, pawnshops, theaters, cinematographs, theatrical performances and similar places of amusement and entertainment, circuses, merry-go-rounds and similar riding devices, slot machines, massage clinics; and to tax, fix the license on, regulate and fix the location of boarding stables, livery garages or stables, public pool tables, public billiard tables, race tracks, horse racing clubs and tracks, dog racing tracks, boxing stadiums, funeral

parlors, printing presses, repair shops for automobiles, trucks and other motor vehicles, pianos, auto-pianos, radios, phonographs, typewriters, refrigerators, electric and gas ranges, electric washing machines, calculators, adding machines, air-conditioning units, kitchen stoves, mimeographing machines and similar apparatuses, tire-repair and vulcanizing shops, welding shops, and shops for the charging and re-charging of batteries, bottling plants, distilleries, brewers, rectifiers, tanneries, renderies, tallow chandleries, bone factories, toothpaste laboratories and factories, soap factories, sawmills, lumberyards, shipyards, ship-building establishments, boatyards, factories for the making or manufacture of firecrackers, fireworks, torpedoes, skyrockets and similar products, and other establishments likely to endanger the public safety or give rise to conflagrations or explosions;

- To tax, regulate, fix the amount of license fees for the storage and sale of gunpowder, tar, pitch, resin, coal, oil, benzine, turpentine, hemp, alcohol, gasoline, lumber, logs, copra, and copra products, soft drinks and beverages, beer, wines, cigarettes and cigars, cotton, nitroglycerine, petroleum or any of the products thereof, asphalt, rubber, and all other highly combustible or explosive materials;

- To tax, regulate, and fix the amount of license fees for keeping, preparation, and the sale of meat, poultry, fish, game, other sea products, butter, cheese, margarine, lard, vegetables, fruits, bread, and other provisions;

- To tax, regulate, and fix the license fees on dealers in general merchandise, motor vehicles, tractors and/or their accessories, and other kinds of machines; corn mills and grinders, rice mills, copra dealers including coconut oil, tobacco dealers, dealers in hogs and large cattle, junk dealers, "surplus goods" dealers, dealers in second-hand materials and merchandise, scrap iron, arms and ammunitions, electrical goods, hardware, paints, construction materials, office equipment and supplies, machinery of all kinds, sporting goods, automobile and trucks parts, except those dealers who may expressly be subject to the payment of like or similar municipal tax under the provisions of this section;

Dealers in general merchandise shall be classified as (a) wholesale dealers and (b) retail dealers. For purposes of the tax on retail dealers, general merchandise shall be classified into four main classes, namely: (1) luxury goods, (2) semi-luxury goods, (3) essential commodities, and (4) miscellaneous articles. A separate license shall be prescribed for each class but where commodities of different classes are sold in the same establishment, it shall not be compulsory for the owner to secure more than one license if he pays the higher or highest rate of tax prescribed by ordinance. Wholesale dealers shall pay the license tax as such as may be provided by ordinance.

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

- To tax, license, permit and regulate wagers or betting by public on boxing, sipa, bingo, bowling, billiards, horse or dog races, bicycle races, cockpits, Jai-alai, roller or ice-skating or any sporting or athletic contest as well as grant exclusive rights to establishments for this purpose, and to tax, license, prohibit or regulate and fix the location of the establishment and operation of nightclubs, dance halls, cabarets, bars, dancing schools, pavilions, saloons, billiard and pool halls, bowling alleys, circuses and other places of amusement. Any and all laws, executive orders existing at the time this Revised Charter shall take effect relating to any matter covered by this section shall become inoperative within the city insofar as they are inconsistent or in conflict with any city ordinances authorized hereby and adopted hereunder for the regulations of any such matters;

- To impose tax on motor 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 and automobiles and trucks not regularly kept in the city shall be exempt from such tax.

- To regulate the method of using steam, electric, gasoline, kerosene, or diesel engines and boilers, and all other

motor power other than marine or belonging to the Government of the Philippines; to provide for the inspection thereof; and fix a reasonable fee for such inspection and to regulate and fix the fees for the licenses of the engineers engaged in operating the same;

- To tax, fix the license fees of, and regulate or prohibit the sale, dealing or trading in, the disposal of intoxicating and alcoholic liquors, malt beverages, beer, wines and mixed and fermented liquors, whether imported or locally manufactured, including tuba, basi, tapuy, and other native wines offered for sale, and to tax motor and other vehicles and draft animals operating within the city: Provided, That all automobiles and trucks belonging to the Philippine Government shall be exempt from such tax;

(27) To tax, license, regulate, and fix the location of any other business, trade, profession or occupation not specially mentioned in the preceding paragraphs, being conducted or which may be conducted within the city; and to impose a license fee upon all persons engaged in the same and who enjoy privileges in the city, and to impose a tax on the sale of real property including percentage taxes based on the gross sale and receipts, on the sale and storage of all products and commodities being sold, bartered, purchased, received, delivered, transferred, exchanged or disposed in any other manner, within the city and to impose a tax on all products and commodities manufactured or produced in the city; and to levy for public purposes just and uniform taxes, licenses or fees, except that the city may not levy or impose any of the following: (a) income taxes; (b) taxes on estates, inheritances, gifts, legacies, and other acquisitions mortis causa; (c) customs duties and customs dues; (d) documentary stamp taxes; and (e) taxes on the business of persons engaged in the printing and publication of any newspaper magazine, review, or bulletin appearing at regular intervals and having fixed prices for subscription and sale which is not published primarily for the purpose of publishing advertisements.

A tax ordinance shall go into effect on the fifteenth day after its passage, unless the ordinance shall provide otherwise: Provided, however, That the Secretary of Finance shall have authority to suspend the effectivity of any ordinance within one hundred and twenty days after its passage, if, in his opinion, the tax or fee therein levied or imposed is unjust, excessive, oppressive, or confiscatory, and when the said Secretary exercises this authority the effectivity of such ordinance shall be suspended. In such event the city council may appeal the decision of the Secretary of Finance to the court during the pendency of which case the tax levied shall be considered as paid under protest;

- To prohibit or 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 prohibit and provide for the prevention of cruelty to animals;

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

- To provide for the establishment and maintenance and regulate the use of public drains, sewers, latrines, and cesspools; to regulate the construction and use of private sewers, drains, cesspools, waterclosets and privies; to provide for the establishment and maintenance of waterworks, for the purpose of supplying water to the inhabitants of the city, and for the purification of the source of water supply and 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 therefor, and to regulate the construction, repair, and use of hydrants, pumps, cisterns and reservoirs. Any and all waterworks system provided for or undertaken by the City Government shall exclusively belong to it, such that the city shall have exclusive control, direction and supervision over the same; and all laws and executive orders and circulars issued by the Office of the President making reference to the ownership, possession, control and operation of waterworks and sewers shall not be applicable to the City of Dumaguete;

- To let the privilege of establishing and maintaining public utilities such as telephone systems; gas, public lighting systems, vehicles, etc. to private parties by licenses granted upon such terms as shall be fixed by the City Council;
- To regulate and fix reasonable fees for the sale and supply of gas, electricity, telephone, street railways, and other public utility services within the city;
- 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 limits; to regulate and provide for the inspection of all gas, electric, telephone, and street-railway conduits, mains, meters, and other apparatus, and provide for the condemnation, substitution, or removal of the same when defective or dangerous;
- To provide for the laying out, construction, improvement and maintenance, including lighting, cleaning, and sprinkling of streets, avenues, boulevards, alleys, sidewalks, wharves, piers, parks, cemeteries, and other public places, and to regulate the use thereof; to provide for the construction and maintenance and regulate the use of bridges, viaducts and culverts; to close any city road, street, alley, boulevard, avenue, park, or square. Property thus withdrawn from public servitude may be used or conveyed for any purpose for which other real property belonging to the city may be lawfully used or conveyed;
- To regulate traffic and sales upon the streets and other public places of the city; to provide for the abatement of nuisances in the same and punish the authors or owners thereof; to prohibit the placing, throwing, depositing or leaving of obstacles of any kind, garbage, refuse or other offensive matter, or matter liable to cause damage, in any street or other public place; and to provide for the collection and disposition thereof; to regulate, fix license fees for, or prohibit the use of the same for parades, processions, signs, signposts, awnings, awning posts; and for the carrying or displaying of banners, placards, advertisements, or handbills, of the flying of signs, flags, or banners, whether along, across, over or from buildings along the same; to provide for the inspection of, fix the license fees for, and regulate opening in the streets or other public places 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 stringing of wires therein; to provide for and regulate the numbering of houses and lots fronting thereon or in the interiors of the blocks; to regulate and prevent amusements having tendency to annoy persons using the streets or public places, or to frighten horses and other animals; to regulate the speed of horses and other animals, vehicles, cars and locomotive within the limits of the city; to regulate the lights used on all such vehicles; to regulate the size, speed and operation of taxicabs, buses and other public vehicles within the city, and to designate stands, bus stops and terminals to be occupied by public vehicles when not in use; to regulate the location and construction of the track of all forms of railroad in the streets or other public places of the city authorized by law. To provide for and change the location, grade, and crossing 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 natural drainage of the streets and adjacent property shall not be obstructed;
- To fill up, or require to be filled up, at the owner's expense, to a grade necessary for proper sanitation any and all lands and premises when necessary in the enforcement of sanitary ordinances and adopted in accordance with law;
- By ordinance, to require property owners to construct or repair, at their expense, sidewalks along the street or streets adjacent to their lots in accordance with the specifications of the city engineer as to quality, width and grade, and subject to his supervision and approval: Provided, That, in case of failure or inability of the property

owner to comply with the requirements within the specified period of time after demand, the city engineer shall construct the work to be done and the cost thereof collected as a special assessment from such owner who may choose to pay the same in full or in ten equal yearly installments which installments shall be due and payable to the city in the same manner as the annual tax levied on real estate, and shall be made subject to the same penalties for delinquencies and enforceable by the same remedies as such annual tax and all said sums and amounts shall from the day on which they were assessed constitute a lien upon the property against which they were assessed and shall take precedence over any and all other liens which may exist upon such property except only such as may have been attached as a result of the non-payment of the said annual tax;

- To acquire, take, condemn, or appropriate more land and property than is needed for actual construction in connection with any capital project or improvement herein authorized, the additional land or property so authorized to be acquired, taken, condemned or appropriated being no more than sufficient to form suitable building sites abutting on such improvement. After so much of the land or property has been appropriated for the improvement as is needed therefor, the remainder may be sold or leased. The City Council is hereby further authorized and empowered to provide by ordinance the manner in which the power herein created may be exercised;

- 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 of 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, or 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 part conducted;

- To provide for the construction and maintenance of, and regulate the navigation on, canals and water courses within the city, and to provide for the clearing and purification of the canals; to provide for the construction and maintenance, and regulate the use of public landing places, wharves, piers, docks, levees, and airfields, and of those of private ownership; to fix the charges to be paid by all watercraft landing at or using public or private wharves, docks, levees, or landing places as well as all aircraft landing in airfields within the City of Dumaguete. To undertake and carry out the reclamation of submerged land from the sea adjoining the city limits at the expense of the city, the area thus reclaimed to belong exclusively to the city, or to cause to be undertaken by private contractors such reclamation work on terms and conditions approved by the City Council and the Mayor;

- To provide for plans and maps of the whole or any portion of the city which bears relation to the planning of the city and to make changes in, additions to and extensions of, such plans or maps when deemed advisable. Such maps and plans shall show the recommendation for the location and extension of streets, alleys, ways, viaducts, bridges, parkways, parks, playgrounds and other public grounds and public improvements or public buildings and other public properties and other public utilities, whether publicly or private owned, for water, light, sanitation, transportation, communication, power and other purposes; and for the removal, relocation, widening, extension, narrowing, vacating, abandonment or change of use of any of the foregoing public places, works, buildings or utilities. Such maps and plans may also include the division of the city into zones or districts, of the limitation and regulation of the height, bulk (including percentage of lot occupancy and setback building lines), and use of buildings and other structures and premises in such zone or district. It shall also provide for the control of platting and land subdivision. It is expressly provided that laws and executive orders existing at the time this Charter shall

take effect relating to matters covered by this subsection, shall become inoperative within the City of Dumaguete to the extent of any conflict with any city ordinance authorized hereby and adopted hereunder for the regulation of any such matters;

- To impose penalties for the violation of official maps, subdivision control, zone regulations, established in accordance with law, or adopted by ordinance;
- Subject to the rules and regulations issued by the Director of Health in accordance with law, to provide for, the establishment, maintenance and regulation and fix the fees for the use of public stables, lanudries and bath;
- To acquire private lands in the city and to subdivide the same into lots for sale on easy terms to city residents, giving first priority to the bona fide tenants or occupants of said lands and second priority to laborers and low-salaried employees. For the purposes of this subsection, the city may raise the necessary funds by appropriations of general funds, by securing loans or by issuing bonds, and if necessary, may acquire the lands through expropriation proceedings;
- To construct, erect and establish a public light, heat, and power supply and installation system; and to this end, to purchase, expropriate or otherwise acquire all lands, buildings, stations and other structures, and to purchase any or all such machinery, poles, wires, trucks, or other vehicles, supplies and equipment as may now or hereafter be necessary to the successful operation of such system;
- To maintain and operate any electric light, heat, or power supply and installation system, however acquired; to keep the same in repair; to alter, increase, extend, improve and enlarge or modify the same or any part thereof; to replace worn or used parts, machinery, poles, animals, vehicles, trucks, wires and other equipment, and to operate, control and manage the same;
- For any and all the purposes contemplated in the last two preceding subsections, to enter, if necessary, into contracts, for partial or deferred payment; to sell bonds to raise money for such projects; and to appropriate funds of the city for all purposes aforesaid;
- To enter into contracts with and to supply electric light, heat, current and other services to residents, merchants, businessmen, and manufacturers in and about the city at rates and at prices not less than sufficient to properly maintain and operate any such plant or system and to pay for the depreciation in the same and for all extension, improvements, enlargements, alterations or changes thereof and therein;
- To enter into a contract of lease and to rent or lease any electric light, heat and power supply or installation system, whether erected, constructed and established by the city council, or acquired by it through purchase, grant, or conveyance or in any other manner, to any person or persons or to any corporations, for proper and sufficient consideration and subject to the right of supervision and control by the city council over the operation of such system and over the amount of heat, power and current handled and the character of other services rendered and of the rates and amounts charged thereof;
- To establish and maintain or aid in the establishment and maintenance of charitable institutions in the city; to authorize the free distribution of medicines to the employees and laborers of the city whose salaries or wages do not exceed the maximum to be fixed by ordinance, and of evaporated or fresh native milk to indigent mothers residing in the city, and of bread, rice, corn and light meals and medicines to indigents residing in the city, the distribution to be under the direct supervision and control of the Mayor. In order to raise funds for charitable purposes, to conduct lotteries not oftener than once a month: Provided, That fifty per centum of the proceeds shall be used exclusively for the establishment or aid in the establishment or contributions to charitable organizations within the city and for any other charitable purposes as the city council may determine: And provided, further,

That the books of accounts kept for the above purposes shall be audited by the Auditor General or his representative;

- To provide for the enforcement of the rules and regulations issued by the Director of Health, and by ordinance to prescribe penalties for violations of such rules and regulations;
- Upon the recommendation of the mayor to issue or float bonds with which to carry out the various projects of the city under such terms and conditions as the city council may determine;
- To grant fishing and fishery privileges subject to the provisions of the Fisheries Act;
- To regulate, restrict or prohibit by ordinance the carrying of firearms within the jurisdictional limits of the city;
- To establish, regulate and maintain city departments, divisions and offices and prescribe the powers and duties thereof; upon the recommendation of the Mayor, make such reorganization or readjustment of the duties of the several departments, divisions or offices or create and transfer functions from one department, division or office to another department, division or office as public interest may demand, abolish any such department, or any division or office assigned thereto, or consolidate the same with any other department, division or office, or delegate these powers to the Mayor by ordinance;
- To provide for the annual levy and collection of real property taxes at a rate or rates not to exceed the maximum rates fixed by Section seventeen of this Charter;
- To fix the date of the holding of an annual fiesta in the city and to alter, not oftener than once in three years, the date fixed for the celebration thereof; to fix the date of the holding of an annual fiesta in each district or barrio and to alter, not oftener than once in three years, the date fixed for the celebration thereof;
- To require by virtue of ordinance, that no plot or plot of division of any real property within its jurisdiction shall be presented for approval or verification by the Bureau of Lands or the Land Registration Commission until the same shall have been approved by the city council upon recommendation of the City Planning Board under such regulations as may be provided for by ordinance. Such regulations may also include provisions as to the extent to and methods by which streets and other ways be graded, drained and improved, and water and sewer and other public service mains, piping, and other facilities. Such regulations shall provide for approval of the plot or plan within sixty days after submission thereof to the City Council;
- To create, abolish and define boundaries of barrios and sitios in the city, to name and change the names of barrios, sitios, public buildings, public streets, parks and other public places located within the boundaries of the city upon petition of a majority of the voters in the areas affected but not oftener than once every ten years;
- To fix the penalty for violation of ordinances, but no single penalty shall exceed a fine of four hundred pesos or imprisonment for one year, or both; but imprisonment shall be imposed in lieu of unpaid fines at the rate of one day for every two pesos and fifty centavos of fine. Person undergoing imprisonment for violation of ordinances may be required to labor for the period of imprisonment upon works of the city in such manner as may be directed by the city mayor. Whenever a person is imprisoned for non-payment of a fine, he shall be released upon payment of such fines less two pesos and fifty centavos per day for each day that he has been confined. Pending appeal, the defendant shall remain in custody unless released upon sufficient bail in accordance with the general provisions of law to await judgment of the appellate court;
- In case of violation of ordinance about building construction, the city council, in addition to the penalties authorized in the preceding subsection, may further impose the penalty of removal or demolition of the building structure by the owner or by the city at the expense of the owner, in which event, the cost of the work of removal

shall be collected as a special assessment from such owner and enforceable by the same remedies as provided for in the preceding subsection regarding special assessment;

- To extend its ordinance over all waters within the city, over the sea of Dumaguete City six miles beyond the shore, over any boat or other floating structures thereon, over a zone surrounding the city on land of three miles in width, 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 two hundred meters of any reservoir, conduit, canal, aqueduct, or pumping station used in connection with the city water service.
- 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;
- To appropriate money for purposes not specified by law, having in view the general welfare of the city and its inhabitants;
- To authorize payment of uniforms of the members of its police forces and the fire department;
- To authorize the payment of bonuses to city officials and employees, not exceeding one month salary every fiscal year, payment of which shall be set out in an ordinance approved by the city council; and
- To authorize by ordinance the payment of transportation allowance to city officials and employees who, by the nature of their official functions, travel from one place to another within the jurisdiction of the City of Dumaguete.

Implied-power of the city shall be liberally construed in its favor. Any fair and reasonable doubts as to the, existence of the power should be interpreted in favor of the city and it shall be presumed to exist. The general welfare clause be liberally interpreted in case of doubt as to give more power to the city government in promoting the economic condition, social welfare and material progress of the inhabitants of the city.

SEC. 29. Restrictive provisions.—No commercial sign, signboard, or billboard shall be erected or displayed in public lands, premises, or buildings, without the consent of the Mayor. If after due investigation, and having given the owners an opportunity to be heard, the mayor shall decide that any sign, signboard, or billboard displayed or exposed to public view is offensive to the sight or is otherwise a nuisance, he may order the removal of such sign, signboard, or billboard, and if same is not removed within ten days after he has issued such order, he may himself cause its removal, and the sign, signboard, or billboard shall thereupon be forfeited to the city, and the expenses incident to the removal of the same shall become a lawful charge against any person or property liable for the creation or display thereof.

SEC. 30. Election and duties of secretary of the city council.—The city council shall have a secretary who shall be elected by the councilors but not from its own membership to serve during the term of office of the members of the city council. He shall be in charge of the records of the city council and shall keep the record of its proceedings. He shall also keep a separate record in a book or books for that purpose with proper indices of all ordinances and all resolutions and motions adopted by the council with their dates of passage and publication. He shall be custodian of the seal of the council which shall be circular in form with the inscription "City Council-City of Dumaguete" in the center of which shall be placed the arms of the city. He shall affix said seal with his signature to all ordinances and other official acts of the council and shall present the same for signature to the presiding officer. He shall forward to the mayor all ordinances, resolutions or motions requiring the mayor's approval and shall cause such ordinance to be posted or published as herein provided. He shall, upon request,

furnish certified copies of all records of public character in his charge under the seal of the council and charge fees therefor as may be prescribed by law, ordinance or resolution payable direct to the City Treasurer. He shall keep his office and all records therein, which are not of a confidential character, open to public inspection during usual business hours. He shall have such other powers and duties as may be prescribed by ordinance. His compensation as secretary shall be as provided for in Republic Act Numbered Four thousand four hundred seventy-seven.

ARTICLE IV.—Departments and offices of the City

SEC. 31. City departments.—There shall be the following City Departments over which the Mayor shall have direct supervision and control, any existing law to the contrary notwithstanding:

- Department of Finance
- Department of Assessment
- Department of Engineering and Public Works
- Law Department
- City Court
- Criminal, Juvenile and Domestic Relations Court;
- Department of Health
- Police Department
- Fire Department
- Waterworks Department
- Department of Public Services

Upon the recommendation of the mayor, the city council may, from time to time, by ordinance, assign additional functions or duties to, and make such readjustments in the duties of, the several departments and offices of the city as the public interest may require, and shall have the power to consolidate any department, division or office of the city with any other department, division or office, or delegate these powers to the mayor by ordinance. Any existing law to the contrary notwithstanding, two or more departments may be headed by the same individual.

SEC. 32. Powers and duties of heads of departments. —Any existing law to the contrary notwithstanding, each head of department of the city government shall be in control of such department under the direct supervision and control of the Mayor, and shall possess such powers and obligations as may be prescribed herein or by ordinance. He shall certify to the correctness of all payrolls and vouchers of his department covering the payment of money before payment, except as herein otherwise expressly provided. On or before the first day of March of each year, he shall prepare and present to the Mayor for submission to the council an estimate of the receipts and appropriations necessary for the operation of his department during the ensuing fiscal year, and shall submit therewith such information for purposes of comparison as the mayor may desire. He shall submit to the mayor as often as required reports covering the operations of his department.

In case of absence or sickness, or inability to act or any other reason, of the head of one of the city departments, or in case of a temporary vacancy, the official next in charge of that department shall perform the duties of the head of the department concerned. In case of a temporary vacancy, the official next in charge performing the duties of the head of such department shall during his incumbency in an acting capacity, receive the salary and other

emoluments of the latter.

In case of temporary disability of the department head and of the official next in charge, the mayor may temporarily designate any other official in the service of the city to perform the duties of the head of such department until the return to duty of the department head or his assistant.

SEC. 33. Appointment and removal of officials and employees.—The President of the Philippines shall appoint, with the consent of the Commission on Appointments, the judge of the city court, and in case of a temporary vacancy in such court, an acting judge therefor, the judge of the Criminal, Juvenile and Domestic Relations court, the city treasurer, the city engineer, the city fiscal and his assistants, the city chief of police, the city assessor, the city health officer and the city superintendent of schools. The mayor shall appoint all other officials and employees of the city whose appointment is not vested in the President or otherwise provided for in this Charter, any existing law to the contrary notwithstanding. The mayor may, for cause as provided for by Civil Service law and rules, suspend for not more than sixty days and recommend the removal of any official or employee appointed by him to the Civil Service Commission. He may investigate or cause to be investigated any official appointed by the President and recommend to him the suspension or removal of such official.

ARTICLE V.—Finance Department

SEC. 34. The city treasurer—His powers, duties and compensation.—There shall be a city treasurer with a salary as provided for in Republic Act Numbered Four thousand four hundred seventy-seven, who shall have charge of the city Department of Finance and shall act as chief fiscal officer and financial adviser of the city and custodian of its funds. He shall be assisted by an assistant city treasurer with a salary as provided for in Republic Act Numbered Four thousand four hundred seventy-seven.

The city treasurer shall exercise the functions of city collector of taxes and shall collect all taxes and assessments due the city, all licenses authorized by law or ordinance, and all rents due for lands, markets, and other property owned by the city, and shall receive and receipt for all costs, fees, fines and forfeitures imposed by the City Court, from the clerk thereof, and the fees collected by the sheriff or his deputies; and shall collect miscellaneous charges made by the Department of Engineering and Public Works and by other departments of the city government, and all charges made by the City Engineer for inspections, permits, licenses, and the installations, maintenance, and services rendered in the operation of the private privy system. He shall collect, as deputy of the Commissioner of internal Revenue, by himself or his deputies, all taxes and charges imposed by the Philippine Government upon property or persons in the City of Dumaguete, depositing daily such collections in any depository bank of the Government. Unless otherwise specifically provided by law or regulations, he shall perform in and for the city, the duties imposed by law or regulation upon provincial treasurers generally, as well as the other duties imposed upon him by law. Any provisions of law to the contrary notwithstanding, he shall purchase all supplies, equipment and property required by the city as may be authorized by ordinances or resolutions approved by the mayor, and issue such supplies, equipment and other property upon authority of the mayor. He shall be accountable for all funds and property of the city and shall render such accounts in connection therewith as may be prescribed by the Auditor General. He shall deposit daily all city funds and collections in any bank duly designated by the city council as government depository.

On or before the first day of April of each year, the city treasurer shall present to the mayor a certified detailed statement by departments of all receipts and expenditures of the city pertaining to the preceding fiscal year, and to the current fiscal year to and including February twenty-eight, together with an estimate of the receipts and expenditures for the remainder of the current fiscal year; and he shall submit with this statement a detailed estimate of the revenues and receipts of the city from all sources for the ensuing fiscal year. Upon receipt of this

statement and estimate and the estimates of department heads as are required by Section thirty-two of this Charter, the mayor shall formulate and submit to the city council before the thirty-first day of May next following, a detailed budget covering the estimated necessary expenditures for the ensuing fiscal year; and the city council shall thereupon make detailed appropriations covering such estimated expenditures: Provided, however, That in no case shall the aggregate amount of such appropriations exceed the estimate of revenues and receipts submitted by the city treasurer as provided above. Supplemental budgets formulated in the same manner may be adopted when special or unforeseen circumstances make such action necessary. Without further action by the city council, disbursements of city funds may be made by the city treasurer out of authorized appropriations, upon properly executed vouchers bearing the approval of the chiefs of the departments, and on or before the twenty-fifth day of each month said city treasurer shall furnish the mayor and the city council for their administrative information with a statement of the appropriations, expenditures and balances of all funds and accounts as of the last day of the month preceding.

ARTICLE VI.—Assessment Department

SEC. 35. The City assessor—His powers and duties.— The city assessor shall have charge of the Department of Assessment. He shall receive a salary of thirteen thousand eight hundred pesos per annum. He and his authorized deputies are empowered to administer any oath authorized in connection with the valuation of real estate for the assessment and collection of taxes. He shall make a list of the taxable real estate in the city, arranging in the order of the lot and block numbers the names of the owners thereof, with a brief description of the property opposite each such name and the cash value 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 and his representatives may enter upon the real estate for the purpose of examining and measuring it, and may summon witnesses, administer oaths to them, and subject them to examination concerning the ownership and the amount of real estate and its cost value. He may, if necessary, examine the records of the office of the Register of Deeds showing the ownership of real estate of the city.

SEC. 36. Real estate exempt from taxation.—The following shall be exempt from taxation:

- Lands or buildings owned by the Republic of the Philippines, the Province of Negros Oriental or the City of Dumaguete and burying grounds, churches, and their adjacent parsonages and convents, and lands or buildings used exclusively for, and actually devoted to, religious, charitable, scientific, or educational purposes and not for profit; but such exemption shall not extend to lands or buildings held for investment, lands and/or buildings not actually utilized and/or devoted to religious, charitable, scientific or educational purposes although they are owned by religious, charitable, scientific, or educational institutions, though the income therefrom be devoted to, and used for, religious, charitable, scientific, or educational purposes.
- Lands or buildings which are the only real property of the owner, and the value of which does not exceed five hundred pesos.

SEC. 37. Declaration to be made by persons acquiring or improving real estate.—It shall be the duty of each person who, at any time, acquires real estate in the city, and of each person who constructs or adds to any improvement on real estate owned by him in the city, to prepare and present to the city assessor within a period of sixty days next succeeding such acquisition, construction or addition, a sworn declaration setting forth a value of the real estate acquired or the improvement constructed or addition made by him and a description of such property sufficient to enable the City Assessor readily to identify the same. Any person having acquired real estate who fails to make and present the declaration herein required within the said period of sixty days shall be deemed to

have waived his right to notice of the assessment of such property and the assessment of the same in the name of its former owner shall, in all such cases, be valid and binding on all persons interested, and for all purposes, as though the same has been assessed in the name of its actual owner.

SEC. 38. Action when owner makes no returns, or is unknown, or ownership is in dispute or in doubt, or when land and improvements are separately owned.—If the owner of any parcel of real estate shall fail to make a return thereof, or if the city assessor is unable to discover the owner of any real estate, he shall nevertheless list the same for taxation, and charge the tax against the true owner, if known, and if unknown then as against an unknown owner. In case of doubt or dispute as to ownership of real estate, the taxes shall be levied against the possessor or possessors thereof. When 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.

SEC. 39. Action in case estate has escaped taxation.—If it shall come to the knowledge of the city assessor that any taxable real estate in the city has escaped listing, it shall be his duty to list and value the same at the time and in the manner provided in the next succeeding section and to charge against the owner thereof the taxes due for the current year and the last preceding one year, and the taxes thus assessed shall be legal and collectible by all the remedies herein provided, and if the failure of the city assessor to assess such taxes at the time when they should have been assessed was due to any fault or negligence on the part of the owner of such property, the penalties shall be added to such back taxes as though they had been assessed.

SEC. 40. When assessment may be increased or reduced.—The city assessor shall during the first fifteen days of January of each year add to his list of taxable real estate in the city the value of the improvements placed upon such property during the preceding year, and any property which is taxable and which has heretofore escaped taxation. He may during the same period revise and correct the assessed value of any or all parcels of real estate in the city which are not assessed at their true money value, by reducing or increasing the existing assessment, as the case may be.

SEC. 41. Publication of complete list and proceedings thereon.—The city assessor 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 City Hall, that the list is on file in his office and may be examined by any person interested therein, and that upon the date fixed in the notice, which shall not be later than the tenth day of February, the City Assessor will be in his office for the purpose of hearing complaints as to the accuracy of the listing of the property and the assessed value thereof. He shall further notify in writing each person the amount of whose tax will be changed by such proposed change, by delivering or mailing such notification to such person or his authorized agent at the last known address of such owner or agent in the Philippines, some time in the month of January.

It shall be his duty to carefully preserve and record in his office copies of said notice. On the day fixed in the notice, and for five days thereafter, he shall be present in his office to hear all complaints filed within the period by persons against whom taxes have been assessed as owners of real estate, and he shall make his decision forthwith and enter the same in a well-bound book, to be kept by him for that purpose, and if he shall determine that injustice has been done or errors have been committed he is authorized to amend the list in accordance with his findings.

SEC. 42. City assessor to authenticate lists of real estate assessed.—The city assessor shall authenticate each list of real estate valued and assessed by him as soon as the same is completed, by signing the following certificate at the foot thereof:

"I hereby certify that the foregoing list contains a true statement of the piece or pieces of taxable real estate

belonging to each person named in the list, and its true value, and that no real estate taxable by law in the City of Dumaguete has been omitted from the list, according to the best of my knowledge and belief.

(Signature)

City Assessor"

SEC. 43. Time and manner of appealing to Board of Assessment Appeals.—In case any owner of real estate or his authorized agent, shall feel aggrieved by any decision of the city assessor under the preceding sections of this Article, such owner or agent may, within thirty days after the notice of such decision, appeal to the Board of Assessment Appeals. The appeal shall be perfected by filing written notice of the same with the city assessor and it shall be the duty of that officer forthwith to transmit the appeal to the Board of Assessment Appeals with all written evidence in his possession relating to such assessment and valuation.

SEC. 44. Constitution and compensation of Board of Assessment Appeals.—There shall be a Board of Assessment Appeals which shall be composed of five members to be appointed by the mayor. Three members of the Board shall be selected from among government officials in the city other than those in charge of assessment and they shall serve without additional compensation. The two other members shall be selected from among property owners in the city and they shall each receive compensation of ten pesos for each day of session actually attended. The chairman of the Board shall be designated in the appointment. The secretary of the Board shall be appointed by the Mayor and shall keep the records of the proceedings of the Board.

The members and secretary of the Board of Assessment Appeals shall hold office at the pleasure of the mayor.

SEC. 45. Oath to be taken by members of the Board of Assessment Appeals.—Before organizing as such, the members of the Board of Assessment Appeals shall take the following oath before the city judge or some other officer authorized to administer oaths:

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

(Signature)

Member of the Board of Assessment Appeals

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

(Signature and Title of Officer
administering oath)"

The oath of each member shall be recorded by the secretary of the Board in the minutes of its proceedings.

SEC. 46. Proceedings before Board of Assessment Appeals.—The Board of Assessment Appeals shall hold such number of sessions as may be authorized by the mayor, shall hear all appeals duly transmitted to it, 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 appeal has been perfected by order signed by the Board or a majority thereof, and transmit it to the City Assessor who shall amend the tax list in conformity with said order. It shall also have power to revise and correct, with the approval of the Mayor first, any and all erroneous or unjust assessments and valuations for taxation, and make a correct and just assessment and state the true valuation, in each case when it decides that the assessment previously made is erroneous or unjust. The assessment when so corrected shall be as

lawful and valid for all purposes as though the assessment had been made within the time herein prescribed. Such reassessment and revaluation shall be made on due notice to the individual concerned who shall be entitled to be heard by the Board of Assessment Appeals before any reassessment or revaluation is made. The decision of the Board of Assessment Appeals shall be final unless the mayor declares the decision reopened for review by him, in which case he may make such revision or revaluation as in his opinion the circumstances justify.

SEC. 47. Taxes on real estate—Extension and remission of the tax.—A tax, the rate of which shall not exceed two per centum ad valorem to be determined by the city council, shall be levied annually on or before the second Monday of January on the assessed value of all real estate in the city subject to taxation. All taxes on real estate for any year shall be due and payable annually on the first day of June and from this date such taxes together with all penalties accruing thereto shall constitute a lien on the property subject to such taxation.

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

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

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

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

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

In the event that the crop is extensively damaged or that a great lowering of the prices of products is registered in any year, or that a similar disaster extends throughout the province, or for other good and sufficient reason, the city council may, by resolution passed on or before the thirty-first day of December of such year, extend the time for the collection of the tax on real estate in the City of Dumaguete for a period not to exceed three months, or 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 extension or remission and shall not take effect until it shall have been approved by the Department Head.

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

SEC. 48. Seizure of the personal property for delinquency in payment of the tax.—After a property shall have become delinquent in the payment of taxes and said taxes and the corresponding penalties shall remain unpaid ninety days after payment thereof shall have become due, the city treasurer, or his deputy, if he desires to compel

payment through seizure of any personal property of any delinquent person or persons, shall issue a duly authenticated certificate, based on the records of his office, showing the fact of delinquency and the amount of the tax and penalty due from said delinquent person or persons or from each of them. Such certificate shall be sufficient warrant for the seizure of the personal property belonging to the delinquent person or persons in question not exempt from seizure; and those proceedings may be carried out by the city treasurer, his deputy, or any other officer authorized to carry out legal proceedings.

SEC. 49. Personal property exempt from seizure and sale for delinquency.—The following personal property shall be exempt from seizure, sale and execution for delinquency in the payment of the real estate tax:

- Tools and implements necessarily used by the delinquent in his trade or employment.
- Two horses, or cows or carabaos, or other beast of burden, such as the delinquent may select, and necessarily used by him in ordinary occupation.
- His necessary clothing and that of his family.
- Household furniture and utensils necessary for housekeeping and used for that purpose by the delinquent, such as he may select, of a value not exceeding three hundred pesos.
- Provisions for individual or family use sufficient for four months.
- The professional libraries of lawyers, judges, clergymen, physicians, engineers, schoolteachers, and music teachers, not exceeding five hundred pesos in value.
- The fishing boat and net not exceeding the total value of five hundred pesos, the property of any fishermen, by the lawful use of which he earns a livelihood.
- Any article or material which forms part of a home or of any improvement on any real estate.

SEC. 50. The owner may redeem personal property before sale.—The owner of the personal property seized may redeem the same from the collecting officer at any time after seizure and before sale by tendering to him the amount of the tax, the penalty, and the costs incurred up to the time of tender. The cost to be charged in making such seizure and sale shall only embrace the actual expenses, of seizure and preservation of the property pending the sale, and no charge shall be imposed for the services of the collecting officer or his deputy.

SEC. 51. Sale of seized personal property.—Unless redeemed as hereinbefore provided, the property seized through proceedings under Section forty-eight hereof, shall after due advertisement, be exhibited for sale at public auction and so much of the same as shall satisfy the tax penalty, and cost of seizure and sale shall be sold to the highest bidder. The purchaser at such sale shall acquire an indefeasible title to the property sold.

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

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

SEC. 52. Return of officer—Disposal of surplus.—The officer directing the sale under the preceding section shall forthwith make return of his proceedings and note thereof shall be made by the city treasurer upon his records. Any surplus resulting from the sale over and above the tax, penalty, and cost, and any property remaining in possession of the officer, shall be returned to the taxpayer on account of whose delinquency the sale has been

made.

SEC. 53. Vesting title to real estate in city government.—Upon the expiration of two years from the date on which the taxpayer has been delinquent, and in the event of continued default in the payment of the tax and penalty, all private rights, titles and interest in and to the real estate on which said tax is delinquent, shall be indefeasibly vested in the city government, subject only to the rights of redemption and repurchase provided for hereinbelow: Provided, That the title acquired by said city government to real estate shall not be superior to the title thereto of the original owner prior to the seizure thereof.

SEC. 54. Redemption of real estate before seizure.— At any time after the delinquency shall have occurred, but not after the expiration of ninety days from the date of sale, the owner or his lawful representative or any person having any lien, right or any other legal or equitable interest in said property, may pay the taxes and penalties accrued and thus redeem the property. Such redemption shall operate to divest the city government of its title to the property in question and to revert the same to the original owner, but when such redemption shall be made by a person other than the owner, the payment shall constitute a lien on the property, and the person making such payment shall be entitled to recover the same from the original owner, or if he be a lessee, he may retain the amount of said payment from the proceeds of any income due to the owner of such property: Provided, That the person exercising the right of redemption shall not acquire a title to said property better than that of the original owner prior to the seizure.

SEC. 55. Notice of seizure of real estate.—Notice of seizure of the real estate shall be given by posting notices at the main entrance of the city hall, the provincial building and all the municipal buildings in the Province of Oriental Negros, in English and Spanish, and in the dialect commonly used in the locality. Three copies of said notice shall also be posted on the property subject to seizure, and a copy shall be sent by registered mail to the delinquent owner. Such notices shall state the names of the delinquent persons, the date on which such delinquency commenced, the amount of the taxes and penalties then due from each, and shall state that unless such taxes and penalties are paid within ninety days from the date of the publication of such notice, the forfeiture of the delinquent real estate to the city government shall become absolute.

SEC. 56. Ejectment of occupants of seized property.—After the expiration of ninety days from the date of sale the city treasurer, or his deputy, may issue to the Mayor or to other officers authorized by law to execute and enforce the laws, a certificate describing the parcel of real estate on which the taxes have been declared delinquent, stating the amount of taxes due, and the penalties and costs accrued by reason of the delinquency, and requesting him to eject from said property all the tenants and occupants thereof. Upon receiving such certificate, the mayor or any other officer authorized to enforce the law, shall forthwith have all the tenants and occupants who refuse to recognize the title of the city expelled from the property in question, and to that end he may use the police force: Provided, however, That if the property so seized is or includes a residential home, the occupant thereof shall be given sufficient time, not exceeding ten days from the date of the notice of ejectment, to vacate the premises.

SEC. 57. Redemption of real property before sale.— After the title to the property shall have become vested in the city government in the manner provided for in Sections fifty-three and fifty-five hereof, and at any time prior to the sale or contract of sale by the city treasurer to a third party, the original owner or his legal representative or any person having any lien, right, or other legal interest or equity in said property, shall, have the right to redeem the entire property in question, by paying the full amount of taxes and penalties due therein at the time of the seizure, and if the city treasurer shall have entered into a lease of the property, the redemption shall be made subject to said lease: Provided, That the payment of the price of sale may, at the discretion of the purchaser, be made in installments extending over a period not exceeding twelve months, but the initial payment, which must be made on the date of the filing of the application for redemption, and every subsequent payment, shall not be less

than twenty-five per centum of the entire sum due, and shall in no case be less than two pesos unless the total or the balance of the amount due on all seized property in the name of the taxpayer is less than two pesos. The purchaser may occupy the property after paying the first installment and the usual taxes on the property shall be payable in the year after that in which the application for redemption was approved. Any failure of the delinquent taxpayer to pay an installment on the date it is due shall have the effect of a forfeiture to the city government of any partial payment made by said taxpayer, and in case he has taken possession of the property, he shall forthwith surrender the same to the city government. In case the purchaser should fail to relinquish possession of said property, the city treasurer or his deputy shall forthwith adopt measures to eject therefrom all the tenants or occupants thereof as provided for in this Act: Provided, however, That the original owner of any real estate seized prior to the approval of this Act, who redeems the same within six months subsequent to its approval, is hereby released from any obligation he may have to the government for rent for the use of such property: Provided, finally, That the provisions of this section shall apply to redemption of real estate seized for delinquency in the payment of taxes thereon and not redeemed up to the date of the approval of this Act.

SEC. 58. Notice of sale of real estate at public auction.—At any time after the forfeiture of any real estate shall have become absolute, the treasurer, may announce the sale of the real estate seized on account of delinquency in the payment of taxes thereon, for the redemption of which no application has been filed. Such announcement shall be made by posting a notice for three consecutive weeks at the main entrances of the city hall and of all the municipal buildings of the province, in either English or Spanish, and in the dialect commonly used in the locality, and by publishing the same once a week during three consecutive weeks in a newspaper of general circulation in the city. Copies of such notice shall be sent immediately by registered mail to the delinquent taxpayer at the latter's home address, if known. The notice shall state the amount of the taxes and penalties so due, the time and place of sale, the name of the taxpayer against whom the taxes are levied, and the approximate area, the lot number and the location by district and street and the street number and district or barrio where the real estate to be sold is located.

SEC. 59. Sale of real estate—Conditions.—At any, time during the sale or prior thereto, the taxpayer may, stay the proceedings by paying the taxes and penalties to the city treasurer or his deputy. Otherwise the sale shall proceed and shall be held either at the main entrance of the city hall or on the premises of the real estate to be sold as the city treasurer or his deputy may determine. The payment of the sale price may, at the option of the purchaser, be made in installments covering a period not exceeding twelve months, but the initial payment shall be made at the time of the sale, and each subsequent payment shall not be less than twenty-five per centum of the sale price and shall in no case be less than two pesos. The purchaser may occupy the property after paying the first installment, and the usual taxes on the property shall be payable in the year following that in which the sale took place. Any failure of the purchaser to pay the total price of the sale within twelve months from the date thereof, shall be sufficient ground for its cancellation, and any part payment made shall revert to the city government and if the purchaser has taken possession of the property he shall forthwith surrender the same to the city government. In case the purchaser should fail to relinquish possession of the property, the city treasurer or his deputy shall immediately take steps to eject the tenants or occupants of the property, in accordance with the procedure prescribed in Section fifty-six of this Act.

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

SEC. 60. Redemption of real estate after sale.— Within one year from and after the date of sale, the delinquent taxpayer or any other person in his behalf, shall have the right to redeem the property sold by paying to the city treasurer or his deputy the amount of the taxes, penalties, cost and interest at the rate of twelve per centum per annum on the purchase price, if paid in whole, or on any portion thereof as may have been paid by the purchaser and such payment shall invalidate the certificate of sale issued to the purchaser, if any, and shall entitle the person making such payment to a certificate to be issued by the city treasurer or his deputy, stating that he has thus redeemed the property, and the city treasurer or his deputy, upon the return by the purchaser of the certificate of sale previously issued to him, shall forthwith refund to the purchaser the entire sum paid by him with interest at twelve per centum per annum, as provided for herein, and such property shall thereafter be free from the lien of such taxes and penalties.

SEC. 61. Execution of deed of final sale.—In case the delinquent taxpayer shall not redeem the property sold as herein provided within one year from the date of the sale, and the purchaser shall then have been paid the total purchase price, the city treasurer, as grantor, shall execute a deed in form and effect sufficient to convey to the purchaser so much of the real estate against which the taxes have been assessed as had been sold, free from all liens or encumbrances of any kind whatsoever, and said deed shall succinctly recite all the proceedings upon which the validity of the sale depends. Any balance remaining from the proceeds of the sale after deducting the amount of the taxes and penalties due, and the costs, if any, shall be returned to the original owner or his representatives.

SEC. 62. Taxes and penalties which shall be paid upon redemption or repurchase.—The taxes and penalties to be paid by way of redemption or repurchase, shall comprise in all cases only the original tax by virtue of the failure to pay for which the seizure was made, and its incidental penalties, up to the date of the forfeiture of the real estate to the government.

SEC. 63. Taxes—Legal procedure.—

- The assessment of a tax shall constitute a lawful indebtedness of the taxpayer to the city which may be enforced by a civil action in any court of competent jurisdiction, and this remedy shall be in addition to all 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 failure shall have impaired the substantial rights of the taxpayer.

- No court shall entertain any suit assailing the validity of the tax sale of land under this Charter until the taxpayer shall have paid into the court the amount for which the land was sold, together with interest at the rate of fifteen per centum per annum upon the sum from the date of sale to the time of instituting the 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.

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

SEC. 64. Allotment of internal revenue and other taxes.—Of the internal revenue accruing to the National Treasury under Chapter II, Title XII of Commonwealth Act Numbered Four hundred and sixty-six, and other taxes collected by the National Government and allotted to the various provinces, as well as the national aid for schools, the City of Dumaguete shall receive a share equal to what it would receive if it were a regularly organized province.

SEC. 65. Power to levy special assessments for certain purposes.—The city council may, by ordinance, provide for the levying and collection, by special assessment of the lands comprised within the district or section of the city specially 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 and public improvements therein, as hereinafter provided.

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

SEC. 66. Property subject to special assessment.— All lands comprised within the district or section benefited, except those owned by the Republic of the Philippines, shall be subject to the payment of the special assessment.

SEC. 67. Basis of apportionment.—The amount of the special assessment shall be apportioned and computed according to the assessed valuations of such lands as shown in the books of the city assessor. If the property has not been declared for taxation purposes, the city assessor shall immediately declare it for the owner and assess its value, and such value shall be the basis of the apportionment and computation of the special assessment due thereon.

SEC. 68. Ordinance levying special assessment.—The ordinance providing for the levying and collection of a special assessment shall describe with reasonable accuracy the nature, extent, and location of the work to be undertaken; the probable cost of the work; the percentage of the cost to be defrayed by special assessment; the district or section which shall be subject to the payment of the special assessment the limits whereof shall be stated by metes and bounds if practicable and by other reasonably accurate means if otherwise, and the period, which shall not be less than five nor more than ten years, in which said special assessment shall be payable without interest. One uniform rate per centum for all lands in the entire district or section subject to the payment of all the special assessments need not be established, but different rates for different parts or sections of this city according as said property will derive greater or less benefit from the proposed work, may be fixed.

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

SEC. 69. Publication of proposed ordinance levying special assessment.—The proposed special assessment ordinance shall be published, with a list of the owners of the lands affected thereby, once a week for four consecutive weeks in any newspaper published in the city, one in English, one in Spanish, and one in the local dialect. The said ordinance in English, Spanish and the local dialect shall also be posted in places where public notices are generally posted in the city and also in the district or section where the public improvement is

constructed or contemplated to be constructed.

The secretary of the city council shall, on application, furnish a copy of the proposed ordinance to each owner affected, or his agent and shall, if possible, send to all of them a copy of said proposed ordinance by ordinary mail or otherwise.

SEC. 70. Protest against special assessment.—Not later than fifteen days after the last publication of the ordinance and list of landowners, as provided in the preceding section, the landowners affected, if they compose a majority and represent more than one-half of the total assessed value of said lands, may file with the city council a protest against the enactment of the ordinance. The protest shall be duly signed by them and shall set forth the addresses of the signers and the arguments in support of their objection or protest against the special assessment established in the ordinance. If no protest is filed within the time and under the condition above specified, the ordinance shall be considered approved as published.

SEC. 71. Hearing of protest.—The city council shall designate a date and place for the hearing of the protest filed in accordance with the next preceding section and shall give reasonable time to all protestants who have given their addresses and to all landowners affected by any protest or protests, and shall order the publication once a week, during two consecutive weeks, of a notice of the place and date of the hearing in the same manner herein provided for the publication of the proposed special assessment ordinance. All pertinent arguments and evidence presented by the landowners interested or their attorney shall be attached to the proper records. After the hearing the city council shall either modify its ordinance or approve it in toto and send notice of its decision to all interested parties who have given their addresses, and shall order the publication of the ordinance as approved finally together with a list of the owners of the parcel of land affected by the special assessment, three times weekly, for two consecutive weeks, in the same manner hereinabove prescribed. The ordinance finally passed by said body shall be sent to the Mayor with all the papers pertaining thereto, for his approval or veto as in the case of other city ordinances. If the Mayor approves it, the ordinance shall be published as above provided, but if he vetoes it, the procedure in similar cases provided in this Act shall be observed.

SEC. 72. When ordinance is to take effect.—Upon the expiration of fifteen days from the date of the last publication of the ordinance as finally approved, the same shall be effective in all respects, without prejudice to the appeal taken in the manner hereinafter prescribed.

SEC. 73. Appeals.—Any time before the ordinance providing for the levying and collection of special assessment becomes effective in accordance with the preceding section, appeals from such special assessment may be filed with the President of the Philippines in the case of public works undertaken or contemplated to be undertaken by the National Government, and with the Secretary of Finance in the case of public works undertaken or contemplated to be undertaken by the city. In all cases the appeal shall be in writing and signed by at least a majority of the owners of the lands situated in the special assessment zone representing more than one-half of the total assessed value of the lands affected. The appellants shall immediately give the Board a written notice of the appeal, and the secretary of said board shall, within ten days after receipt of the notice of appeal, forward to the officer who has jurisdiction to decide the appeal an excerpt from the minutes of the board relative to the proposed special assessment and all the document in connection therewith.

SEC. 74. Decision of the appeal.—Only appeals made within the time and in the manner prescribed in this Act shall be entertained, and the officer to whom the appeal is made may call for further hearing or decide the same in accordance with its merits as shown in the papers or documents submitted to him. All appeals shall be decided within sixty days after receipt by the appellate officer of the docket of the case, and such decision shall be final.

SEC. 75. Fixing of amount of special assessment.—As soon as the ordinance is in full force and effect, the city

treasurer shall determine the amount of the special assessment which the owner of each parcel of land comprised within the zone described in the ordinance levying the same is to pay each year during the prescribed period, and shall send to each of such landowners a written notice thereof by ordinary mail. If upon completion of the public works it should appear that the actual cost thereof is smaller or greater than the estimated cost, the city treasurer shall without delay proceed to correct the assessment by increasing or decreasing, as the case may be, the amount of the unpaid annual installments which are still to be collected from each Landowner affected, and in all cases, he shall give notice of such rectifications to the parties interested.

SEC. 76. Payment of special assessment.—All sums due from any landowner or owners as the result of any action taken pursuant to this Act shall be payable to the city treasurer in the same manner as the annual ordinary tax levied upon real property, and shall be subject to the same penalties for delinquency and be enforced by the same means as said annual ordinary tax; and all said sums together with any of said penalties shall from the dates on which they are assessed, constitute special liens on said land, with the sole exception of the lien for the non-payment of the ordinary real property tax. If, upon recomputation of the amount of special assessment in accordance with the next preceding section, it appears that the landowner has paid more than what is correctly due from him, the amount paid in excess shall be refunded to him immediately upon demand; in the other case, the landowner shall have one year within which to pay without penalty the amount still due from him. Said period shall be counted from the date the landowner received the proper notice.

SEC. 77. Disposition of proceeds.—The proceeds of the special assessment and penalties thereon shall be applied exclusively to the purpose or purposes for which the assessments were levied. It shall be the duty of the city treasurer to turn over to the National Treasury all collections made by him from special assessment levies from national public works.

ARTICLE VIII.—Department of Engineering and Public Works

SEC. 78. The city engineer—His powers, duties and compensation.—There shall be a city engineer with a salary as provided for in Republic Act Numbered Four thousand four hundred seventy-seven, who shall be in charge of the Department of Engineering and Public Works. He shall have charge of all the surveying and engineering work of the city. He shall have the care of all public streets, parks, canals, esteros, bridges, public grounds, recreation areas and playgrounds and 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, and the contents of closets, vaults, and cesspools and all other offensive and dangerous substances within the city, and shall perform such services in connection with public improvements, or any work entered upon or proposed by the city, or any department thereof, except those of the waterworks department, 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. He shall prepare and submit plans, maps, specifications and estimates for buildings, streets, bridges, docks, and other public works, and supervise the construction and repair of the same. He 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 poor or dangerous quality; shall inspect and report upon the conditions of public property and public works whenever required by the mayor. He shall have the care of all public buildings, when erected, including markets and slaughterhouses and all buildings rented for city purposes, and of any system now or hereafter established by the city for lighting the streets, public places, and public buildings. He 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 ordinances of the city; shall have the care and

custody of all public docks, wharves, piers, levees, and landing places, owned by the city, and the care and custody, supervision, administration and control of the Dumaguete piers and Dumaguete sea wall, and all foreshore lands within the territorial jurisdiction of the city; 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 recommend the issuance of permits for the construction, repair, and removal of the same, and enforce all ordinances relating to the same. 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 supervise and regulate the location and use of engines, boilers, forges, and other manufacturing and heating appliances in accordance with law and ordinance relating thereto. He is authorized to charge fees, at the rates to be fixed by the City Council with the approval of the Mayor, for sanitation and transportation services and supplies furnished by his department.

With the previous approval of the Mayor in each case, he shall order the removal of buildings and structures erected in violation of ordinances, shall order the removal of the materials employed in the construction or repair of any building or structure made in violation of said ordinances, and shall cause buildings or structures dangerous to the public to be made secure or torn down.

SEC. 79. Execution of authorized public works and improvement.—All public works construction, repair and improvements of the city shall be carried out by administration by the office of the city engineer under the direct supervision and direction of the city mayor. The approval of the plans and specifications thereof by the city mayor with the favorable recommendation of the City Council and the city engineer shall constitute sufficient warrant for the undertaking and execution of said projects. For justifiable reasons, the mayor, with the advice and consent of the city council, may also have said work done totally or partially by contract, upon advertising for bids therefor: Provided, That in the case where the funds are borrowed from private persons or institutions and not obtained from taxes or any other governmental source public bidding may be dispensed with.

SEC. 80. Assistant and employees.—To assist the city engineer in the discharge of his official duties, there shall be an assistant city engineer, with a salary as provided for in Republic Act Numbered Four thousand four hundred seventy-seven, and other employees as are from time to time provided in appropriation ordinances.

ARTICLE IX.—The Law Department

SEC. 81. The Fiscal of the city—His assistants—His duties.—The law department shall consist of the fiscal of the city and three assistants, namely: one first assistant city fiscal, one second assistant city fiscal and one third assistant city fiscal, who shall discharge their duties under the general supervision of the Secretary of Justice. The fiscal of the city 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 Negros Oriental and the city court of the city, and shall discharge all the duties in respect to criminal prosecution enjoined by the law upon provincial fiscals.

The fiscal of the city shall investigate or cause to be investigated all charges of crimes, misdemeanors, and violations of laws and city ordinances, and have the necessary information or complaints prepared or made against the persons accused. He or any of his assistants may conduct such investigation 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 for a warrant of arrest to the city 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.

The fiscal of the city shall also cause to be investigated the causes of sudden deaths which have not been

satisfactorily explained and when there is suspicion that the causes arose from 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 purposes of such investigations or autopsies, the aid of the city health officer or other health authorities stationed in Dumaguete City. In case the fiscal of the city deems it necessary to have further expert assistance for the satisfactory performance of his duties in relation with medico-legal matters or knowledge including the giving of medical testimony in the Courts of Justice, he shall request the same from the head of the department of legal medicine of the College of Medicine and Surgery of the University of the Philippines, or the aid of the medico-legal section of the National Bureau of Investigation, who shall thereupon furnished the assistance required, in accordance with his powers and facilities. He shall at all times render such professional services as the Mayor or city council may require, and shall have such powers and perform such other duties as may be prescribed by law or ordinance.

The fiscal of the city and his assistants shall receive the salaries which shall be paid by the City of Dumaguete and the National Government in this manner: Fiscal of the city, as provided for in Republic Act Numbered Four thousand one hundred forty-two, with only five thousand seven hundred pesos to be paid by the City of Dumaguete and the balance payable by the National Government; the first assistant city fiscal, as provided for in Republic Act Numbered Four thousand one hundred forty-two, with only three thousand one hundred twenty pesos to be paid by the City of Dumaguete and the balance payable by the National Government; the second assistant city fiscal, as provided for in Republic Act Numbered Four thousand one hundred forty-two, with only three thousand pesos to be paid by the City of Dumaguete and the balance payable by the National Government; the third assistant city fiscal, as provided for in Republic Act Numbered Four thousand one hundred forty-two, with only two thousand seven hundred pesos to be paid by the City of Dumaguete and the balance payable by the National Government.

SEC. 82. The city legal officer.—There shall be a city legal officer with the rank of a chief of a city department, who shall be appointed by the mayor, with a salary of nine thousand three hundred pesos per annum. He shall be the legal adviser of the city and all offices and departments thereof, for civil cases and 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 city 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 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 official thereof; 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; 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 in connection with, any city office or interest.

ARTICLE X.—The City Court

SEC. 83. Regular, auxiliary and acting judges of City Courts.—There shall be a city court for the City of Dumaguete for which there shall be appointed a city judge and auxiliary city judge. The city judge shall receive a salary as provided for in Republic Act Numbered Four thousand four hundred seventy-seven, with only eight thousand seven hundred sixty pesos to be paid by the city government and the balance payable by the National Government.

The city judge shall be allowed a vacation of not more than thirty days every year with salary, which vacation

may be cumulated. The auxiliary city judge shall discharge the duties in case of absence, incapacity or inability of the city judge until he resumes his post, or until a new judge shall have been appointed. During his incumbency the auxiliary city judge shall enjoy the powers, emoluments and privileges of the city 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 city judge and the auxiliary city judge and in case of any vacancies in such offices, the Secretary of Justice shall designate the municipal judge of any of the adjoining municipalities to preside over the city 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 municipal judge so designated shall receive his salary as municipal judge plus the salary of the city judge whose office he has temporarily assumed.

The city council may create additional judges of the city court through appropriation ordinances as the public interest may require.

SEC. 84. Clerk of court and employees of the city court.—There shall be a clerk of court of the city court who shall be appointed by the Secretary of Justice in accordance with Civil Service Law, rules and regulations, and who shall receive an annual salary equal to the salary of administrative deputies or chief clerks of other departments. 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 case, 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, the date of the trial, and the nature of the judgment, together with the fines and costs adjudged or collected in accordance with the judgment. He shall have the power to administer oaths and to act as notary public *ex officio*.

The clerk of court of the city court shall at the same time be sheriff of the city and shall as such have the same powers and duties conferred by existing law to provincial sheriffs. The city council may provide for such number of clerks in the office of the clerk of court of the city court as the needs of the service may demand.

There shall also be provided by the city council for the city court such other personnel, as may be necessary for the efficient administration of justice, with their salaries payable by the city government.

SEC. 85. Jurisdiction of city court.—The city court shall have territorial jurisdiction embracing the entire police jurisdiction of the city, and shall hold daily sessions, Sundays and legal holidays alone excepted. Said court shall have jurisdiction over all criminal cases as provided in the Judiciary Act of 1948, as amended. 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. 86. Incidental powers of city court.—The city court shall have power to administer oaths and to give certificates thereof; to issue summons, writs, warrants, executions, and all other processes necessary to enforce its orders and judgments; to compel the attendance of witnesses; to punish contempts of court by fine or imprisonment, or both, within the limitations imposed by the Rules of Court; and to require of any person arrested a bond for good behavior or to keep the peace, or for the further appearance of such person before a court of competent jurisdiction. But no such bond shall be accepted unless it be executed by the person in whose behalf it is made, with sufficient surety or sureties to be approved by said court.

SEC. 87. Procedure in city court in prosecution for violations of law and ordinances.—In a prosecution for the

violation of any ordinance, the first process shall be a summons; except that a warrant for the arrest of the offender may be issued in the first instance upon the affidavit of any person that such ordinance has been violated, and 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 city court and its officers in all cases insofar as the same may be applicable.

SEC. 88. Costs, fees, fines, and forfeitures in city court.—There shall be taxed against and collected from the defendant, in case of his conviction in the city court, such costs and fees as may be prescribed by law in criminal cases in municipal 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 deposit the same to the city treasurer, for the benefit of the city, on the next business day after the same are collected, and take receipts therefor. The city judge shall examine said docket each day, compare the same with the amount receipted for by the city treasurer and satisfy himself that all such costs, fees, fines and forfeitures have been duly accounted for.

SEC. 89. No person sentenced by city court to be confined without commitment.—No person shall be confined in the city prison by sentence of the city court until the warden or officer in charge of the prison shall receive a written commitment showing the offense for which the prisoner was tried, the date of the trial, the exact terms of the judgment or sentence, and the date of the order of the commitment. The clerk shall, under seal of the court, issue such a commitment in each case of sentence to imprisonment.

SEC. 90. Procedure on appeal from city court to Court of First Instance.—An appeal shall lie to the Court of First Instance in all cases where fine or imprisonment, or both, is imposed by the city court except in cases of concurrent jurisdiction where the appeal shall be taken directly with the Court of Appeals. The party desiring to appeal shall, before six o'clock post meridian of the fifteenth day after notice of the judgment by the city court, file with the clerk of court a written statement that he appeals to the Court of First Instance or in the proper case, to the Court of Appeals, together with the appeal bond required in all cases. The filing of such statement and appeal bond shall perfect the appeal. The judge of the city court shall, within five days after the appeal is taken, transmit to the clerk of court of the Court of First Instance or the Court of Appeals as the case may be, a certified copy of the record of proceedings and all the original papers and processes in the case, and the clerk of court of the proper Appellate Court shall docket the appeal. A perfected appeal shall operate to vacate the judgment of the city court, and the action, when duly entered in the Court of First Instance, shall stand for trial de novo upon its merit as though the same had never been tried and had been originally there commenced. Pending an appeal, the defendant shall remain in custody unless released in the discretion of the judge of the city court or of the judge of the Court of First Instance, upon sufficient bail in accordance with procedure in force, to await the judgment of the appellate court.

Appeals in civil cases shall be governed by the ordinance procedure established by law.

SEC. 91. Assessors in the courts of the city.—The aid of assessors in the trial of any civil or criminal action in the city court, or the Court of First Instance, within the city, may be invoked in the manner provided in the Rules of Court. It shall be the duty of the city council to prepare one list of the names of twenty-five residents of the city best fitted by education, natural ability, and reputation for probity to sit as assessors in the trial of action in the city court and a like list of persons to sit as assessors in the trial of action in the Court of First Instance. The city council may, at any time, strike any name off the list so prepared by reason of the death, permanent disability, or unfitness of the person named; and in case names are so stricken off, other names shall be added in their place, to be selected as in this section provided. Parties desiring to avail themselves of the use of the assessors in the city

court or in the court of First Instance shall proceed as provided for by law or the Rules of Court; and the method of summoning assessors, enforcing their attendance, excusing them from attendance, their compensation, oath, and effect of dissent from the opinion of the judge shall be as provided in those laws and rules.

ARTICLE XI—The Criminal, Juvenile and Domestic Relations Court

SEC. 92. The Criminal, Juvenile and Domestic Relations Court.—There shall be a Criminal, Juvenile and Domestic Relations Court for the City of Dumaguete for which there shall be a judge who shall possess the same qualifications, enjoy the same privileges and receive the same salary as the city judge.

Provisions of the Judiciary Act to the contrary notwithstanding, the court shall have exclusive original jurisdiction to hear and decide the following cases:

- Criminal cases cognizable by the city court wherein the accused is under sixteen years of age at the time of the trial;
- Cases involving custody, guardianship, adoption, paternity and acknowledgment;
- Annulment of marriages, legal separation of spouses and action for support;
- Proceedings brought under Articles one hundred sixteen, two hundred twenty-five, two hundred fifty-two and three hundred thirty-two of the New Civil Code;
- Petitions for the declaration of absence and the change of name;
- Actions for the separation of property of spouses;
- Proceedings affecting a dependent or neglected child as herein defined;
- Crimes committed by public officers, crimes against persons and crimes against property as defined and penalized under the Revised Penal Code, whether simple or complexed with other crimes;
- Violations of Republic Act Numbered Three thousand nineteen, otherwise known as The Anti-Graft and Corrupt Practices Act, and Republic Act Numbered One thousand three hundred seventy-nine; and
- Violations of Sections three thousand six hundred one, three thousand six hundred two and three thousand six hundred four of the Tariff and Customs Code and Sections one hundred seventy-four, one hundred seventy-five and three hundred forty-five of the National Internal Revenue Code.

The court shall likewise have such incidental powers as are generally possessed by the city court. If any question involving any of the above matters should arise as an incident in any case pending in the ordinary courts, such incident shall be determined in the main case.

SEC. 93. Dependent or neglected child.—The term 'dependent child' or 'neglected child' shall mean any child under sixteen years of age who is dependent upon the public for support or who is destitute or homeless or abandoned; or who has no proper parental care or guardianship, or who habitually begs or receives alms, or who is found living in any house or ill fame or with any vicious or disreputable person, or whose home by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care it may be, is an unfit place for such child.

SEC. 94. Proceedings concerning a 'dependent' or 'neglected' child.—The social Welfare Administrator or his representative who is a resident of the city, having knowledge of a child in the city who appears to be a 'dependent' or 'neglected' child may file with the clerk of court of the court a written petition setting forth the facts constituting a child 'dependent' or 'neglected'; which petition shall be verified by the affidavit of the

petitioner. It shall be sufficient if the affidavit shall be upon information and belief. Such petition shall set forth the name of the parent or parents of such child, if known, and their residence; and if such child has no parent living, then the name and residence of the guardian of such child, if he has one.

Upon the filing of such petition, the judge of said court shall fix the day and time for the hearing of such petition. If it appears that one or both of such parents or guardian, if there be no such parents reside in the city, the clerk of court of said court shall immediately issue summons, which shall include copy of the petition, and which shall be served on such parent, parents, or guardian, if any, if either can be found in the city, not less than two days before the time fixed for said hearing, requiring them to appear on said day and hour to show cause, if any, why such child should not be declared by said court to be a 'dependent' or 'neglected' child. If it appears from the petition that neither of said parents is living, or does not reside in the city and that said child has no guardian residing therein, or in case one or both parents, or the guardian in case there are no parents, shall indorse on said petition a request that the child be declared a dependent child, then the summons herein provided for shall not be issued; and the court may there upon proceed to a hearing of the case. In case neither of the parents or guardian is found, then the court shall appoint a suitable person to represent said child in said case.

Upon the hearing of such case the child shall be brought before the court; whereupon the court shall investigate the facts, and ascertain whether the child is a dependent child, its residence and, as far as possible, the whereabouts of its parents or near adult relatives, and when and how long the child has been maintained, in whole or in part by private or public charity, the occupation of the parents, if living whether they are supported by the public or have abandoned the child, and to ascertain, as far as possible, if the child is found dependent, the cause therefor. The court may compel the attendance of witnesses on such examination. The city fiscal, when requested by the court, shall appear in any such examination in behalf of the petitioner. It shall be the duty of the city fiscal, upon the request of the court or any petitioner, to file a petition and to conduct the necessary proceedings in any case within the provisions of this Article.

In the hearing of such case, the court shall not be bound to follow the technical rules of evidence. If the said child shall be found after such hearing to be a dependent or neglected child, it shall be adjudged a dependent child; and an order may be entered making such disposition of the care and custody of said child as the court deems best for its moral and physical welfare. It may be turned over to the care and custody of any suitable person or institution in the city organized for the purpose of caring for dependent children, and which is able and willing to care for the child. If there be no such person or institution, the child shall be referred to the Social Welfare Administration. When the child is so turned over to the custody of the person or institution, such person or institution shall have the right to the custody of the said child, and shall at all times be responsible for its education and maintenance subject at all times to the order of the court.

In any case where the court shall award any dependent or neglected child to the care of any person or institution, the child, unless otherwise ordered, shall become a ward and be subject to the guardianship of the institution or person receiving the child upon the order of the court, subject to visitation or inspection by any person appointed by the court for such purpose, and the court may at any time require from any institution a report containing such information as the court shall deem proper and necessary regarding the care, education, maintenance and moral and physical training of the child, as well as to the standing and ability of such person or institution to care for the child. The court may change the guardianship of such child, if, at any time, it is made to appear to the court such change is to the best interest of the child. If, in the opinion of the court, the causes of the dependency of any child may be removed under such conditions or supervision for its care, protection or maintenance as may be imposed by the court, so long as it shall be for the best interest, the child may be permitted to remain in its own home and under the care and control of its own parent, parents, or guardian, subject to the jurisdiction and supervision of the

court, and when it shall appear to the court that it is no longer to the best interest of such child to remain with such parents or guardian, the court may proceed to a final disposition of the case.

In case any child is adjudged to be dependent or neglected child, its parents or guardian shall have no right over or to the custody or service of said child except upon such conditions in the best interest of such child as the court may impose, or where, upon proper proceedings, such child may lawfully be restored to the parents or guardian.

SEC. 95. Proceedings in other cases.—In the hearing and disposition of cases other than those covered by the preceding section, the court shall be governed by the Rules of Court and the law applicable in each particular case.

In cases between husband and wife, and between parent and child, however, the hearings may be held, upon petition of any party, in chamber or with the exclusion of the public. All information obtained at such hearing shall be deemed privileged and confidential and shall not be divulged without approval of the court.

SEC. 96. Appeal from decision and order of court.—Decisions and orders of the court shall be appealed in the same manner and subject to the same conditions as appeal from the city court.

SEC. 97. Clerk of court and other employees.—The Criminal, Juvenile and Domestic Relations Court shall be a court of record and shall have a clerk of court and such employees as may be necessary who shall be appointed in the same manner and shall receive the same compensation as similar officials and employees of the city court.

ARTICLE XII.—Health Department

SEC. 98. The city health officer—His salary, powers, and duties.—There shall be a city health officer with a salary, as provided for in Republic Act Numbered Four thousand four hundred seventy-seven, who shall have charge over the Department of Health. He shall have general supervision and control over the health and sanitary condition of the city and shall have the control and supervision over puericulture centers and social services in the city. He shall execute and enforce all laws, ordinances and regulations relating to public health and shall recommend to the city council the passage of 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, and shall make sanitary inspections and may be aided therein by such members of the police force of the city as shall be designated as sanitary police by the chief of police and by such sanitary inspectors as may be authorized by law or ordinances. He shall keep a civil registry for the city and record therein all births, marriages, and deaths with their respective dates. He shall perform such other duties with reference to the health and sanitation of the city as the Director of Health Services shall direct: Provided, That nothing in this law shall be interpreted as to curtail the powers and duties conferred by existing law to the Director of Health Services over the City of Dumaguete as a part of the Philippines, and that the Director of Health Services shall continue to have technical supervision and control over the health work of the city. He shall be assisted by an assistant city health officer with a salary as provided for in Republic Act Numbered Four thousand four hundred seventy-seven.

ARTICLE XIII.—Police Department

SEC. 99. The chief of police—His powers, duties and compensation.—There shall be a chief of police with a salary the same as the salary of the city treasurer who shall have charge of the police department and everything pertaining thereto, including organization, administration, and discipline of members thereof. He may issue supplementary regulations not incompatible with law or general regulations promulgated by the proper department head of the National Government in accordance with law, for the government of the city police. He shall investigate, under the direction of the Mayor, any complaint filed against members of the police and report the result of his investigation to the Mayor, making whatever recommendations he may deem pertinent for such

action as said officer may consider necessary; shall quell riots, disorders, disturbances of the peace, and shall investigate, 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 without warrant, when necessary to prevent the escape of the offender, violators of any law or ordinance, and all who obstruct or interfere with him in the discharging of his duty; shall exercise supervision, administration and control over the city jail and city 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 city court of any person arrested for violation of any city ordinance: Provided, however, That he shall not exercise those powers in cases of violations of any penal law, except when the fiscal of the city shall so recommend and fix the bail to be required of the person arrested; shall have authority within the police jurisdiction of the city, to serve and execute criminal processes of any court. He shall be deputy sheriff of the city and as such he shall either personally or by representative, attend all sessions of the city court, the Criminal, Juvenile and Domestic Relations Court and shall promptly and faithfully execute all orders, all writs and processes of said courts and all criminal processes of the Court of First Instance of Negros Oriental, when placed in his hands for that purpose. He shall have such powers and perform such other duties as may be prescribed by law or ordinance. The chief of police shall have such assistants and additional personnel as may be provided for in appropriation ordinances.

SEC. 100. Peace officers—Their powers and duties.—The mayor, the chief of police and his assistants and all officers and members of the city police shall be peace officers. Such peace officers are authorized to serve and execute all processes of the city court, the Criminal, Juvenile and Domestic Relations Court and criminal processes of all other courts to whomsoever directed, within the jurisdictional limits of the city or within the police limits as hereinbefore defined; within the same territory, to pursue and arrest without warrant any person found in suspicious places or under suspicious circumstances reasonably tending to show that such person has committed, or is about to commit, any crime, or breach of the peace; to arrest or cause to be arrested, without warrant, any offender when offense is committed in the presence of a peace officer or within his view; in such pursuit or arrest to enter any building, ship, boat, or vessel or take into custody any person therein suspected of being concerned in such crime or breach of the peace, and any property suspected of having been stolen and to exercise such other powers and perform such other duties as may be prescribed by law or ordinance. This shall detain an arrested person only until he can be brought before the proper magistrate. Whenever the Mayor shall deem it necessary to avert danger or to protect life and property, in case of riot, disturbance, or public calamity, or when he has reason to fear any serious violation of law and order, he shall have power to call the Philippine Constabulary and 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 regular force.

ARTICLE XIV.—The Fire Department

SEC. 101. Chief of fire department—His powers, duties, and compensation.—There shall be a chief of the fire department who shall be appointed by the city mayor with the consent of the city council, with a salary of ten thousand two hundred pesos per annum. He shall have the management and control of all matters relating to the administration of said department, and the organization, discipline, and disposition of the fire force. He may issue supplementary regulations not incompatible with law or general regulations issued by the proper department head of the National Government in accordance with law, for the governance of the fire force; shall have charge of fire engine houses, fire engines, hose carts, hooks and ladders, trucks, and all other fire apparatus; shall have full police power in the vicinity of fires; shall have authority to remove or demolish any building or other property whenever it shall become necessary to prevent the spreading of fire or to protect adjacent property; shall investigate and report to the Mayor upon the origin and cause of all fires occurring within the city; shall inspect all

buildings erected or under construction or repair within the city and determine whether they provide sufficient protection against fire and comply with the ordinances relating thereto; shall have charge of the city fire alarm service; shall supervise and regulate the stringing, grounding, and installation of wires for all electrical connections with a view to avoiding conflagrations, interference with public traffic or safety, or the necessary operations of the fire department; shall supervise and regulate the manufacture, storage, and use of petroleum, gas, acetylene, gunpowder, and other highly combustible matter and explosives; and shall see that all ordinances relating to those subjects or any of them, are enforced. He shall have such other powers and perform such other duties as may be prescribed by law or ordinance.

The chief of the fire department shall have an assistant and such other personnel to assist him in his duties as may be provided for from time to time by appropriation ordinance.

ARTICLE XV.—Waterworks Department

SEC. 102. Chief of waterworks department—His powers, duties, and compensation.—There shall be a chief of waterworks department with the rank of waterworks superintendent, who shall have charge of said department. He shall receive the same salary as the salary of the city engineer. He shall have the following powers and duties:

- He shall have charge of all waterworks construction, maintenance, and operation of mains, pipes, water reservoirs, machinery, and other waterworks for the purpose of supplying water to the inhabitants of the city, both for domestic and other purposes; to purify the source of supply, regulate the control and use, and prevent the waste of water; and provide for the collection of rents therefor.
- He shall have charge to construct, maintain, and operate such systems of sanitary sewers as may be necessary for the proper sanitation of the city and to collect such sums for construction of this service as may be determined by the City Council to be equitable and just.
- He shall have charge of all the surveying and engineering works of the Waterworks Department of the city, and shall perform such service in connection with waterworks improvements, or any work within the department entered upon or proposed by the city, as may require the skill and experience of a civil engineer.
- He shall prepare and submit plans, maps, specifications, and estimates for waterworks structures, mainlines, distribution system, pumping and driving units, pumping stations and other public works within the department, and supervise the construction and repair of the same.
- He shall make tests and inspection of waterworks 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.
- He shall have the care of all buildings in the department when erected.
- He shall have the care of all public faucets and fire hydrants and shall maintain and regulate: the use of the same for all purposes as provided by ordinance.
- He shall have the care and custody of all waterworks property owned by the city.
- He shall inspect and report upon the conditions of waterworks property whenever required by the Mayor.

ARTICLE XVI.—Department of Public Services

SEC. 103. City public service officer.—There shall be a city public service officer who shall be appointed by the city mayor with a salary of nine thousand three hundred pesos per annum who shall have charge of the Department of Public Services. The city public service officer shall have general supervision and control over the sanitary building and plumbing inspection service; care, custody and cleaning of all public buildings, including

markets, crematories, slaughterhouses and buildings rented for city purposes, public toilets, collection and disposal of garbage, refuse, contents of toilets and cesspools, and all other offensive and dangerous substances within the city. He shall have authority to charge, at rates to be fixed by the city council with the approval of the mayor, fees for public services and supplies furnished by his department to private parties. He shall have authority to declare that any lot or ground within the City of Dumaguete belonging to any person or corporation or to the National Government, or any branch or political subdivision thereof, is so low, excavated, or walled, diked or dammed as to admit or cause the formation on the surface thereof of stagnant or foul water, or that it is a nuisance or a menace to public health, unless filled in or its sanitary condition otherwise improved, and to communicate the same to the mayor. He shall execute and enforce all laws, ordinances, and regulations relating to public services, and shall recommend to the city council the passage of ordinances as he may deem necessary for the better and more adequate extension of public services. He shall have an assistant with a salary of six thousand six hundred pesos per annum and such other personnel to assist him in his duties as may be provided for from time to time by appropriation ordinances.

ARTICLE XVII.—Relation to Bureaus and Offices

SEC. 104. The General Auditing Office—city auditor.—The Auditor General shall appoint an Auditor for the city who shall have the rank of a chief of a city department and shall receive a salary as provided for in Republic Act Numbered Four thousand four hundred seventy-seven, one-half of which shall be payable from funds of the city and the remaining half from National Government funds. The city auditor under the supervision of the Auditor General shall receive and audit all accounts of the city in accordance with the provisions of law relating to government accounts and accounting. He shall be assisted by an assistant city auditor who shall likewise be appointed by the Auditor General with a salary as provided for in Republic Act Numbered Four thousand four hundred seventy-seven. The city council may provide such personnel in the office of the city auditor through appropriation ordinances.

SEC. 105. The procurement office.—If the city mayor should so request, 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 contractor, shall not be deemed to be within the purview of this section.

SEC. 106. 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. There shall be a city superintendent of schools who shall receive a salary as provided for in Republic Act Numbered Four thousand four hundred seventy-seven. He shall have all the powers and duties in respect to the schools of the city as are vested in division superintendents in respect to 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 City Councils.

SEC. 107. Reports to the mayor concerning schools— Construction and custody of school buildings.—The city superintendent of schools shall make a quarterly report of the condition of the schools and school buildings of the City of Dumaguete to the mayor, and such recommendations as seem to him wise in respect to the number of teachers, new buildings to be erected, and all other similar matters, together with the amount of city revenues which should be expended in improving the schools or school buildings of the city.

SEC. 108. The city register of deeds.—The President of the Philippines shall appoint with the consent of the Commission on Appointments, a city register of deeds who shall have the rank of a chief of a city department and

shall receive a salary of ten thousand two hundred pesos per annum, one-half of which shall be payable from funds of the city and remaining half from National Government funds.

The city register of deeds shall have such powers and duties as are provided under existing laws.

ARTICLE XVIII.—Special Provisions

SEC. 109. Allotment of internal revenue and other taxes.—Of the internal revenue accruing to the National Treasury under Chapter II, Title XII of Commonwealth Act Numbered Four hundred sixty-six, and other taxes collected by the National Government and allotted to the various provinces, as well as the national aid for schools, the city shall receive a share equal to what it would receive if it were a regularly organized province.

SEC. 110. City acquisition and operation of utilities.— The city may own and operate any gas, water, heat, power, light, telephone or other public utility for supplying its own needs for utility service or for supplying utility service to private consumers, or both. It may construct all facilities reasonably needed for that purpose and may acquire by purchase, condemnation or otherwise, any existing utility properties so needed; but no proceedings to acquire any such public utility shall be consummated unless the city has the money in the treasury to pay for the acquisition or has made provision for paying for the property proposed to be acquired.

Subject to the provisions of any applicable law or Public Service Commission regulations, the city council may fix rates, fares, and prices for city-owned or operated utilities, but such rates, fares and prices shall be just and reasonable. In like manner, the council may prescribe the time and manner in which payments for all such services shall be made, and may make such other regulations as may be necessary, and prescribe penalties for violation of such regulations.

The city council may, in lieu of providing for the local production of gas, electricity, water, and other utilities, purchase the same in bulk and resell them to local consumers at such rates as it may fix in accordance with law. The city council may, if the public interest will be served thereby, contract with any responsible person, partnership, or corporation, for the operation of any utility owned by the city, upon the basis of the highest and best bid therefor, and upon such terms and conditions as the council may provide; but the terms and conditions, other than the amount of the annual rental, shall be clearly set forth in an ordinance authorizing the taking of bids on the proposed lease, which ordinance shall not be adopted by the council until thirty days after its construction, and shall not in the meantime be amended or modified.

SEC. 111. Engineering fund.—The engineering fund of the city shall be considered as city funds as well as all sums of money accruing to the city by virtue of any Public Works Act approved by Congress.

SEC. 112. Transitory provisions.—Officers and employees, whether occupying positions in the classified or unclassified service, shall continue in the service unless removed for cause as provided by law.

SEC. 113. Ordinance, etc. of the city to remain in force.—All ordinances, resolutions, orders or other regulations of the city on the date of the approval of this Act shall continue in full force and effect until repealed, modified or superseded by the City Council by ordinances.

SEC. 114. Congressional district; provincial capital.—Until otherwise provided by law, the City of Dumaguete shall continue as part of the first congressional district of the Province of Oriental Negros, and shall remain the capital of the same.

SEC. 115. Relations between the City of Dumaguete and the provincial government of Negros Oriental.—All qualified voters of the City of Dumaguete shall be entitled to vote and to be voted upon in all provincial elective positions in accordance with the Revised Election Code.

The provincial board of Negros Oriental shall have the right to appeal to the President of the Philippines any or all ordinances approved by the city council which affect the interests of the province.

SEC. 116. Repealing clause.—Republic Act Numbered Three hundred twenty-seven, as amended, and all laws or parts of laws, executive orders and proclamations or parts thereof inconsistent with any of the provisions of this Act are hereby repealed or modified accordingly.

SEC. 117. Construction of this Act.—If any part or section of this Act shall be declared unconstitutional, such declaration shall not invalidate the other provisions thereof.

ARTICLE XIX.—Effectivity of this Act

SEC. 118. This Act shall take effect upon its approval except the provisions regarding salaries therein which shall take effect on July 1, 1969.

Approved, June 21, 1969.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.