

AN ACT TO AMEND ARTICLE II AND SECTION FOURTEEN OF COMMONWEALTH ACT NUMBERED ONE HUNDRED AND FIFTY-EIGHT, AS AMENDED, ENTITLED "AN ACT ESTABLISHING A FORM OF GOVERNMENT FOR THE ..."

REPUBLIC ACT NO. 365, June 09, 1949

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

SECTION 1. Article II of Commonwealth Act Numbered One Hundred and fifty-eight, is hereby amended by inserting after section eight therein another section to be numbered as section eight and one-half to read as follows:

"SEC. 8½. The Vice-Mayor. — There shall be a Vice-Mayor who shall be appointed by the President of the Philippines, with the consent of the Commission on Appointments of the Congress of the Philippines, and shall hold office at the pleasure of the President. He shall act as Mayor perform the duties and exercise the powers of the Mayor in the event of sickness, absence, or other permanent or temporary incapacity of the Mayor and he shall, when occupying the position of Mayor, be entitled to the salary and allowances of the Mayor.

"The Vice-Mayor, when not acting as Mayor shall be ex-officio member of the Municipal Board and shall receive a per diem of twenty pesos for each day of attendance at the session of the Board."

SEC. 2. Section nine of Article II of the same Act, is hereby amended to read as follows:

"SEC. 9. The acting Mayor—Definitive vacancy.— In the event of the temporary incapacity or absence of the Mayor and Vice-Mayor, or in the event of a definitive vacancy in the position of Mayor and Vice-Mayor, the city treasurer shall perform the duties of the Mayor until said office of the Mayor shall be filled in accordance with law. If, for any reason, the duties of the office of the Mayor cannot be performed by the Vice-Mayor or city treasurer, said duties shall be performed by the city engineer. The acting Mayor shall have the same powers and duties and receive the same compensation as the Mayor.

"In case of definitive vacancy, the President, with the consent of the Commission on Appointments of the Congress of the Philippines, shall appoint the person who shall hold the office for the unexpired portion of the term."

SEC. 3. The first paragraph of section fourteen of the same Act, as amended, is hereby further amended to read as follows:

"SEC. 14. Constitution and organization of the Municipal Board.— The Municipal Board shall be the legislative body of the city and shall consist of the City Mayor, the Vice-Mayor, who shall be ex-officio councilor when not acting as Mayor, and ten councilors, five of them to appointed by the President of the Philippines, with the consent of the Commission on Appointments, and the other five to be elected by popular vote. The City Mayor shall act as Chairman of the Board. The Chairman of the Board shall preside over all sessions thereof at which he is present and shall have the right to vote on all matters submitted to the Board. In his absence, the Vice-Mayor shall preside at the session of the Board as temporary chairman. The Chairman of the Board shall sign all ordinances and resolutions and motions directing the payment of money or creating liability. In case

of sickness or absence of any member of the Board, or if it becomes necessary to maintain a quorum, the President of the Philippine shall appoint a temporary substitute who shall hold office, possess all the rights, receive the emoluments and discharge all the duties in connection therewith until the return to duty of the sick or absent member."

SEC. 4. This Act shall take effect upon its approval.

Approved, June 9, 1949.

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