

AN ACT TO AMEND THE CHARTER OF THE CITY OF SAN CARLOS

REPUBLIC ACT NO. 3413, June 18, 1961

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

SECTION 1. Republic Act Numbered Twenty-six hundred forty-three, otherwise known as the Charter of San Carlos, is hereby amended by inserting between Section six and seven thereof a new section to be known as Section six-A which shall read as follows:

"SEC 6-A. Salaries of City Officers.—Unless otherwise provided in this Act, the mayor, vice-mayor, members of the municipal board, secretary of the board, city attorney, city engineer, city health officer, chief of police, municipal judge and city auditor shall receive compensation or additional compensation in accordance with the provisions of existing laws."

SEC. 2. The first paragraph of Section thirteen of the same Act is amended to read as follows:

"SEC. 13. Appointment and duties of secretary of the board.—The board shall have a secretary who shall be appointed by the mayor with the consent of the majority members of the board and who shall serve during the term of office of the members thereof. A vacancy in the office of the secretary shall be filled temporary for the unexpired term in like manner."

SEC. 3. Section fifteen of the same Act is amended by adding thereto the following subsections:

"(nn) To exercise the right of eminent domain for certain purposes specified by law subject to the approval of the President of the Philippines;

"(oo) To request, through the city mayor, for the appearance of any official, department head and employee of the city government at any of its regular meetings for the purpose of enlightening the board on vital matters affecting the city government; and

"(pp) To grant local franchise subject to the approval of the President of the Philippines."

SEC. 4. Sections seventeen, twenty-three, twenty-four, twenty-six, twenty-seven, twenty-eight, seventy-seven, and eighty-eight of the same Act are amended to read as follows:

"SEC. 17. City departments.—There shall be a finance department, an engineering department, a law department, a health department, a police and fire department, and an assessment department. Unless otherwise provided by law, the mayor shall have general supervisory control over all the city departments.

"The municipal board may from time to time make such readjustment of the duties of the several departments as the public interest may demand, and, with the approval of the President, may consolidate or separate any department, division, or office of the city with or from any other department, division or office.

"SEC. 23. The City Attorney and Register of Deeds ex-officio—His powers and duties.—The city attorney who shall discharge his duties under the general supervision of the Secretary of Justice shall be the chief legal adviser of the city. He shall act as city register of deeds ex-officio with an additional compensation of six hundred pesos per annum. He shall have the following powers and duties:

"(a) He shall personally or through his representatives represent the city in all civil cases wherein the city or

any officer thereof, in his official capacity, is a party, and shall prosecute and defend all civil, actions related or connected with any city officer or interest; "(b) He shall, when directed by the mayor, institute and prosecute in the city's interest all suits on any bond, lease, or other contract and upon any breach or violation thereof;

"(c) He shall, when requested, attend meetings of the board, draw ordinances, contracts, bonds, leases, and other instruments involving any interest of the city and inspect and pass upon any such instrument already drawn;

"(d) He shall give his opinion in writing, when requested by the mayor or the board or any of the heads of the city departments, upon any question relating to the city or the rights or duties of any city officer thereof;

"(e) He shall, whenever it is brought to his knowledge that any city officer or employee is guilty of neglect or misconduct in office, or that any person, firm, or corporation holding or exercising any franchise or public privilege from the city, has failed to comply with any conditions 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;

"(f) He shall investigate all charges of crimes, misdemeanors and violations of laws and city ordinances and prepare the necessary information or make the necessary complaints against the persons accused. He may conduct such investigations by taking oral evidence of reputed witnesses and for this purpose may, by subpoena or subpoena duces tecum, summon witnesses to appear and testify under oath before him, or to produce documents and other evidence before him, and the attendance of, or the production of documents and other evidence by an absent or recalcitrant witness may be enforced by application to the municipal court or the court of first instance;

"(g) He shall have charge of the prosecution of all crimes, misdemeanors and violations of laws and city ordinances triable in the Court of First Instance of Negros Occidental and the municipal court of the city, and shall discharge all the duties in respect to criminal prosecution enjoined by law upon provincial fiscals;

"(h) He shall cause to be investigated the causes of sudden deaths which have not been satisfactorily explained and when there is suspicion that the cause arose from unlawful acts or omissions of other persons or from foul play. For that purpose he may cause autopsies to be made in case it is deemed necessary and shall be entitled to demand and receive for the purpose of such investigations or autopsies the aid of the health officer;

"(i) He shall at all times render such professional services as the mayor or board may require, and shall have such powers and perform such duties as may be prescribed by law or ordinance; and

"(j) He shall perform the duties prescribed by law for registers of deeds.

"SEC. 24. The City Engineer—His powers and duties.— There shall be a city engineer, who shall be in charge of the department of engineering and public works and shall have the following powers and duties:

"(a) He shall have charge of all the surveying and engineering work of the city, and shall perform such service in connection with public improvements, or any work entered upon or proposed by the city, or any department thereof, as may require the skill and experience of a civil engineer;

"(b) He shall ascertain, record, and establish monuments of the city survey and from thence extend the survey of the city, and locate, establish and survey all city property and also private property abutting on the same, whenever directed by the mayor;

"(c) He shall prepare and submit plans, map, specifications and estimates for buildings, streets, bridges, docks, and other public works and supervise the construction and repair of the same;

"(d) He shall make such tests and inspections of engineering materials used in construction and repair as may be necessary to protect the city from the use of materials of a poor or dangerous quality;

"(e) He shall have the care of all public buildings, 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 or public buildings;

"(f) He shall have the care of all public streets, parks and bridges, and shall maintain, clean, sprinkle and regulate the use of the same for all purposes as provided by ordinance;

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

"(h) He shall prevent the encroachment of private buildings and fences on the streets and public places of the

city;

"(i) He shall have general supervision and inspection of all private docks, wharves, piers, levees and landing places and other property bordering on the harbor, rivers, esteros and waterways of the city, and shall issue permits for the construction, repair and removal of the same;

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

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

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

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

"(n) He shall inspect and supervise the construction, removal, and safety of private buildings, and regulate and enforce the numbering of houses, in accordance with the ordinances of the city;

"(o) With the previous approval of the mayor in each case, he shall order the removal of buildings and structures erected in violation of the 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; shall cause buildings and structures dangerous to the public to be made secure or torn down; and

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

"SEC. 26. The City Health Officer—His powers and duties.—There shall be a city health officer, who shall have charge of the health department and shall have the following general powers and duties:

"(a) He shall have general supervision over the health and sanitary condition of the city; shall collect and dispose of all garbage, refuse, the contents of closets, vaults and cesspools, and all other offensive and dangerous substances within the city;

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

"(c) He shall recommend to the municipal board the passage of such ordinances as he may deem necessary for the preservation of the public health;

"(d) He shall cause to be prosecuted all violations of sanitary laws or ordinances or regulations;

"(e) He shall make sanitary inspections and may be aided therein by such members of the police force of the city or the national police as shall be designated as sanitary police by the chief of police or proper national police officer and such sanitary inspector as may be authorized by laws;

"(f) He shall keep a civil register for the city and shall record therein all births, marriages and deaths with their respective dates; and

"(g) He shall perform such other duties not repugnant to law or ordinance, with reference to the health and sanitation of the city as the Director of Health Services shall direct.

"SEC. 27. The Chief of Police—His powers and duties.—There shall be a chief of police who shall have charge of the police and fire department and shall have the following general powers and duties:

"(a) 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 governance of the city police and detective force;

"(b) He shall quell riots, disorders, disturbances of the peace, and shall arrest and prosecute through the city attorney violations of any law or ordinance; shall exercise police supervision over all land and water within the

police jurisdiction of the city; shall be charged with the protection of the rights of persons and property wherever found within the jurisdiction of the city, and shall arrest, when necessary to prevent the escape of the offender, violators of any law or ordinance, and all who obstruct or interfere with him in the discharge of his duty; shall have charge of the city prison; shall be responsible for the safekeeping of all prisoners until they shall be released from custody, in accordance with law, or delivered to the warden of the proper prison or penitentiary;

"(c) He may take good and sufficient bail for the appearance before the judge of the municipal court of any person arrested for violation of any city ordinance;

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

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

"(f) He shall have charge of the fire-engine houses, fire engines, hose trucks, hooks and ladders; and all other fire apparatus;

"(g) He shall have full police powers in the vicinity of fires;

"(h) He 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;

"(i) He shall investigate and report to the mayor upon the origin and cause of all fires occurring within the city;

"(j) He 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;

"(k) He shall have charge of the city's fire alarm service;

"(l) He shall supervise and regulate the stringing, grounding, and installation of wires for all electrical connections with a view to avoid conflagrations, interference with public traffic or safety, or the necessary operation of the police and fire department;

"(m) He shall supervise the manufacture, storage and use of petroleum, gas, acetylene, gunpowder and other highly combustible matters and explosives; and

"(n) He shall have such other powers and perform such other duties as may be prescribed by law or ordinance.

"SEC. 28. Chief of the detective service.—There shall be a chief of the detective service who shall, under the chief of police, have charge of the detective work of the department and of the detective force of the city, and shall perform such other duties as may be assigned to him by the chief of police or prescribed by law or ordinance.

The chief of detective service shall receive a salary not exceeding three thousand pesos per annum.

"SEC. 77. Clerk and employees of the municipal court.—There shall be a clerk of the municipal court, who shall be a member of the Philippine Bar. He shall be appointed by the mayor in accordance with Civil Service law, rules and regulations, and shall receive a compensation to be fixed by ordinance approved by the President of the Philippines, at not exceeding three thousand pesos per annum. He shall keep the seal of the court and affix it to all orders, judgments, certificates, records, and other documents issued by the court. He shall keep a docket of the trials in the court, in which he shall record in a summary manner the names of the parties and the various proceedings in civil cases, and in the criminal cases, the name of the defendant, the charge against him, the names of the witnesses, the date of the arrest, the appearance of the defendant, together with the fines and costs adjudged or collected in accordance with the judgment. He shall have the power to administer oaths. The clerk of the municipal 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 municipal board may provide for such number of clerks in the office of the clerk of the municipal court as the needs of the service may demand.

"There shall be a deputy clerk of the municipal court who shall be appointed by the mayor in accordance with the Civil Service law, rules and regulations and who shall receive a compensation, to be fixed by ordinance

approved by the President of the Philippines, at not exceeding two thousand four hundred pesos per annum.

"SEC. 88. The Bureau of Public Schools.—The Director of the Bureau of Public Schools shall exercise the same jurisdiction and power in the city as elsewhere in the Philippines and the division superintendent of schools for the Province of Negros Occidental 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. As such ex-officio superintendent of city schools, he shall receive additional compensation of one thousand two hundred pesos. There shall be a district supervisor for city intermediate schools with compensation to be fixed by the municipal board."

SEC. 5. This Act shall take effect upon its approval.

Enacted, without Executive approval, June 18, 1961.

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