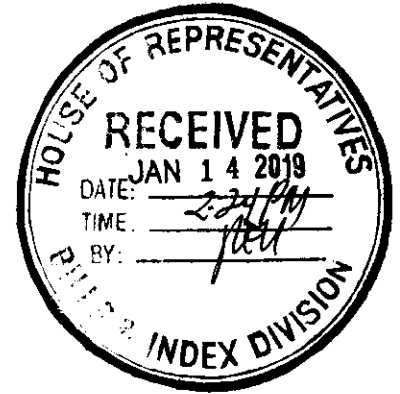


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 8824



Introduced by: REP. EDGAR MARY S. SARMIENTO

EXPLANATORY NOTE

This bill seeks to create a new province to be named Northwestern Samar out of the Province of Samar.

The whole Samar Island used to comprise the Province of Samar. On June 19, 1965, upon the approval of Republic Act No. 4221, the island was divided into three provinces: Northern Samar, with Catarman as capital; Eastern Samar, with Borongan as capital; and Western Samar, officially known as Province of Samar, with Catbalogan as capital.

The Province of Samar is located in the Eastern Visayas region. It covers the western portion of Samar Island as well as several islands located to the west of the mainland. It is divided into two legislative districts. The First District is composed of Calbayog City and nine municipalities while the Second District is composed of Catbalogan City and fifteen municipalities.

Based on the 2015 Census of Population, the First District of Samar has a population of 332,320 inhabitants out of the 780,481 total population of the whole Samar Province.

Section 461 of Republic Act No. 7160, otherwise known as the "Local Government Code", provides that a province may be created if it has a population of not less than two hundred fifty thousand (250,000) inhabitants as certified by the National Statistics Office, among other essential requirements.

Furthermore, the land area of the First District of Samar is 2,269.14 square kilometers while the Local Government Code requires only 2,000 square kilometers for a new province to be created.

The Local Government Code also requires an income of Twenty Million Pesos for a new province to be created to which the Calbayog City income alone is already sufficient.

It shall be emphasized also that the creation of the Northwestern Samar will not reduce the population, land area and income of the mother province to less than the minimum

requirements prescribed by the Local Government Code considering that the remaining population of the mother province is still 448,161 inhabitants while the land area is 3,778.89 square kilometers.

The proposed creation of the Province of Northwestern Samar will not affect the finances of the present provincial government. Instead, it shall pave the way for a more manageable cluster of LGUs which includes Calbayog City and the nine municipalities of Almagro, Gandara, Matuguinao, Pagsanghan, San Jorge, Santa Margarita, Sto Nino, Tagapul-an and Tarangnan.

Rep. Reynaldo S. Uy and Rep. Mel Senen S. Sarmiento filed this bill in past Congresses. However, due to lack of material time the measure was not approved by the House of Representatives.

The First District of the Province of Samar is ready to become another province to attain political and fiscal autonomy. In the interest and welfare of the people of the proposed Province of Northwestern Samar, the immediate approval of this bill is earnestly sought.



EDGAR MARY S. SARMIENTO

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH SESSION
Third Regular Session

HOUSE BILL NO. 8824

Introduced by: REP. EDGAR MARY S. SARMIENTO

AN ACT
CREATING THE PROVINCE OF NORTHWESTERN SAMAR.

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

ARTICLE I
GENERAL PROVISIONS

SECTION 1. *Short Title.* — This Act shall be known as the “*Charter of the Province of Northwestern Samar.*”

SECTION 2. *Province of Northwestern Samar.* — There is hereby created a new province from the present Province of Samar to be known as the province of Northwestern Samar consisting of Calbayog City and the municipalities of Almagro, Gandara, Matuguinao, Pagsanghan, San Jorge, Santa Margarita, Sto. Niño, Tagapul-an, and Tarangnan. The present Second District of Samar consisting of the Municipalities of Basey, Calbiga, Catbalogan City, Daram, Hinabangan, San Jose de Buan, Jiabong, Marabut, Motiong, Pinabacdao, San Sebastian, Sta. Rita, Talalora, Villareal, Wright, and Zumarraga will now comprise the

1 province of Samar.

2
3 **SECTION 3. *Capital City and Seat of Government.*** — The capital city and seat of
4 government of the Province of Northwestern Samar shall be Calbayog City.

5
6 **SECTION 4. *Corporate Powers of the Province.*** — The province constitutes a political
7 body corporate and as such is endowed with the attributes of perpetual succession and
8 possessed of the powers which pertain to a provincial corporation to be exercised in
9 conformity with the provision of this Charter. The province shall have the following
10 corporate powers:

11
12 (a) To have a continuous succession in its corporate name;

13 (b) To sue and be sued;

14 (c) To have and use a corporate seal;

15 (d) To acquire, hold and convey real or personal property;

16 (e) To enter into contracts and agreements; and

17 (f) To exercise such other powers, prerogatives or authority, subject to the limitations
18 provided in this Act or other laws.

19
20 **SECTION 5. *General Powers.*** — The province shall have an independent and common seal
21 and may alter the same at its pleasure. It shall exercise the powers to levy taxes; to close and
22 open roads, streets, alleys, parks or squares; to take, purchase, receive, hold, lease, convey
23 and dispose of real and personal property for the general interests of the province; to
24 expropriate or condemn private property for public use; to contract and to be contracted with,
25 to sue and be sued; to prosecute and defend to final judgment and execution suits wherein the

1 province is involved or interested in; and to exercise all the powers as are granted to
2 corporations or as hereafter granted.

3
4 **SECTION 6. *Liability for Damages.*** — The province and its officials shall not be exempt
5 from liability for death or injury to persons or damage to property.

6
7 **SECTION 7. *Legislative District.*** — The Province of Northwestern Samar shall constitute
8 one, separate legislative district to commence in the next national election after the effectivity
9 of this Act.

12 **ARTICLE II**

13 **PROVINCIAL OFFICIALS IN GENERAL**

14
15 **SECTION 8. *Officials of the Provincial Government.*** — (A) There shall be in the Province
16 of Northwestern Samar a governor, a vice governor, members of the sangguniang
17 panlalawigan, a secretary to the sangguniang panlalawigan a provincial treasurer, a provincial
18 assessor, a provincial budget officer, a provincial planning and development coordinator, a
19 provincial engineer, a provincial health officer, a provincial civil registrar, a provincial
20 administrator, a provincial legal officer, a provincial agriculturist, a provincial social welfare
21 and development officer, a provincial environment and natural resources officer, a provincial
22 veterinarian, a provincial general services officer, a provincial cooperatives officer and a
23 provincial accountant

(B) In addition thereto, the governor may appoint a provincial architect, a provincial population officer and a provincial information officer.

(C) The sangguniang panlalawigan may:

(1) Maintain existing offices not mentioned in subsections (A) and (B) hereof;

(2) Create such other offices as may be necessary to carry out the purposes of the provincial government; or

(3) Consolidate the functions of any office with those of another in the interest of efficiency and economy.

Unless otherwise provided herein, heads of departments and offices shall be appointed by the provincial governor with the concurrence of a majority of the sangguniang panlalawigan members, subject to civil service law, rules and regulations. The sangguniang panlalawigan shall act on the appointment within fifteen (15) days from the day of its submission, otherwise, the same shall be deemed confirmed.

SECTION 9. *Residence and Office.* — During the incumbency of the governor, he shall have his official residence and office in the designated capital of the province. All elective and appointive provincial officials shall hold office in the provincial capital: *Provided, That* upon the resolution of the sangguniang panlalawigan, elective and appointive provincial officials may hold office in any component city or municipality within the province for a period of not more than seven days for any given month.

1
2 **ARTICLE III**

3 **ELECTIVE PROVINCIAL OFFICIALS**
4

5 **SECTION 10. *The Provincial Governor.*** — (A) The provincial governor, as the chief
6 executive of the provincial government, shall exercise such powers and perform such duties
7 and functions as provided for in the Local Government Code of 1991 and other laws.
8

9 (B) For efficient, effective and economical governance, the purpose of which is the general
10 welfare of the province and its inhabitants pursuant to Section 16 of the Local Government
11 Code of 1991, the provincial governor shall:
12

13 (1) Exercise general supervision and control over all programs, projects, services and
14 activities of the provincial government and, in this connection, shall:
15

16 (a) Determine the guidelines of provincial policies and be responsible to the
17 sangguniang panlalawigan for the program of the government;

18 (b) Direct the formulation of the provincial development plan with the
19 assistance of the provincial development council and, upon approval thereof
20 by the sangguniang panlalawigan, implement the same;

21 (c) Present the program of government and propose policies and projects for
22 the consideration of the sangguniang panlalawigan at the opening of the
23 regular session of the sangguniang panlalawigan every calendar year and as
24 often as may be deemed necessary as the general welfare of the inhabitants
25 and the needs of the provincial government may require;

1 (d) Appoint all officials and employees whose salaries and wages are wholly
2 or mainly paid out of provincial funds and whose appointments are not
3 otherwise provided for in this Act as well as those he may be authorized by
4 law to appoint;

5 (e) Represent the province in all its business transactions and sign on its
6 behalf all bonds, contracts and obligations, and such other documents upon
7 authority of the sangguniang panlalawigan or pursuant to law or ordinance;

8 (f) Carry out such emergency measures as may be necessary during and in the
9 aftermath of man-made and natural disasters or calamities;

10 (g) Determine the time, manner and place of payment of salaries or wages of
11 the provincial officials and employees, in accordance with law or ordinance;

12 (h) Allocate and assign office space to provincial and other officials and
13 employees who, by law or ordinance, are entitled to such space in the
14 provincial capitol and other buildings owned or leased by the provincial
15 government;

16 (i) Ensure that all executive officials and employees of the province faithfully
17 discharge their duties and functions as provided for by law and the Local
18 Government Code of 1991, and cause to be instituted administrative or judicial
19 proceedings against any official or employee of the province who may have
20 committed an offense in the performance of his official duties;

21 (j) Examine the books, records and other documents of all offices, officials,
22 agents or employees of the province and, in aid of his executive powers and
23 authority, require all national officials and employees stationed in the province
24 to make available to him such books, records and other documents in their
25 custody, except those classified by law as confidential;

1 (k) Furnish the Office of the President copies of executive orders issued by
2 him within seventy-two (72) hours after their issuance;

3 (l) Visit component cities and municipalities of the province at least once
4 every six months to deepen his understanding of problems and conditions,
5 listen and give appropriate counsel to local officials and Inhabitants, inform
6 the officials and inhabitants of component cities and municipalities of general
7 laws and ordinances which especially concern them, and otherwise conduct
8 visits and inspections to ensure that the governance of the province will
9 improve the quality of life of the inhabitants;

10 (m) Act on leave applications of officials and employees appointed by him
11 and the commutation of the monetary value of their leave credits in
12 accordance with law;

13 (n) Authorize official trips of provincial officials and employees outside of
14 the province for a period not exceeding thirty (30) days;

15 (o) Call upon any national official or employee stationed in or assigned to the
16 province to advise him on matters affecting the province and to make
17 recommendations thereon; coordinate with said official or employee in the
18 formulation and implementation of plans, programs and projects; and, when
19 appropriate, initiate an administrative or judicial action against a national
20 government official or employee who may have committed an offense in the
21 performance of his duties while stationed in or assigned to the province;

22 (p) Authorize payment for medical care, necessary transportation, subsistence,
23 hospital or medical fees of provincial officials and employees who are injured
24 while in the performance of their official duties and functions, subject to
25 availability of funds;

1 (q) Represent the province in inter-provincial or regional sports councils or
2 committees, and coordinate the efforts of component cities or municipalities in
3 the regional or national palaro or sports development activities;

4 (r) Conduct an annual palarong panlalawigan, which shall feature traditional
5 sports and disciplines included in national and international games, in
6 coordination with the Department of Education; and

7 (s) Submit to the Office of the President the following reports: an annual
8 report containing a summary of all matters pertinent to the management,
9 administration and development of the province and all information and data
10 relative to its political, social and economic conditions; and supplemental
11 reports when unexpected events and situations arise at any given time during
12 the year, particularly when man-made or natural disasters or calamities affect
13 the general welfare of the province, region or country.

14
15 (2) Enforce all laws and ordinances relative to the governance of the province and the
16 exercise of the appropriate corporate powers provided for in Section 22 of the Local
17 Government Code of 1991; implement all approved policies, programs, projects,
18 services and activities of the province and, in addition to the foregoing, shall:

19
20 (a) Ensure that the acts of the component cities and municipalities of the
21 province and of its officials and employees are within the scope of their
22 prescribed powers, duties and functions;

23 (b) Call conventions, conferences, seminars or meetings of elective and
24 appointive officials of the province and its component cities and
25 municipalities, including national officials and employees stationed in or

assigned to the province, at such time and place and on such subject as he may deem important for the promotion of the general welfare of the province and its inhabitants;

(c) Issue such executive orders for the faithful and appropriate enforcement and execution of laws and ordinances;

(d) Be entitled to carry the necessary firearm within his territorial jurisdiction;

(e) In coordination with the mayors of component cities and municipalities and the National Police Commission, formulate the peace and order plan of the province and, upon its approval, implement the same in accordance with Republic Act No. 6975, otherwise known as the Philippine National Police Law; and

(f) Call upon the appropriate national law enforcement agencies to suppress disorder, riot, lawless violence, rebellion or sedition, or to apprehend violators of the law when public interest so requires and the police forces of the component city and municipality where the disorder or violation is happening are inadequate to cope with the situation or the violators.

(3) Initiate and maximize the generation of resources and revenues, and apply the same to the implementation of development plans, programs, objectives and priorities as provided for under Section 18 of the Local Government Code of 1991, particularly those resources and revenues programmed for agro-industrial development and country-wide growth and progress and, relative thereto, shall:

(a) Require each head of an office or department to prepare and submit an estimate of appropriations for the ensuing calendar year, in accordance with

1 the budget preparation process under Title V, Book II of the Local
2 Government Code of 1991;

3 (b) Prepare and submit to the sangguniang panlalawigan for approval the
4 executive and supplemental budgets of the province for the ensuing calendar
5 year in the manner provided for under Title T, Book II of the Local
6 Government Code of 1991;

7 (c) Ensure that all taxes and other revenues of the province are collected, and
8 that provincial funds are applied to the payment of expenses and settlement of
9 obligations of the province, in accordance with law or ordinance;

10 (d) Issue licenses and permits and suspend or revoke the same for any
11 violation of the conditions upon which said licenses or permits had been
12 issued, pursuant to law or ordinance;

13 (e) Adopt adequate measures to safeguard and conserve land, mineral, marine,
14 forest and other resources of the province, in coordination with the mayors of
15 component cities and municipalities;

16 (t) Provide efficient and effective property and supply management in the
17 province; and protect the funds, credits, rights and other properties of the
18 province; and

19 (g) Institute or cause to be instituted administrative or judicial proceedings for
20 violations of ordinances in the collection of taxes, fees or charges, and for the
21 recovery of funds and property; and cause the province to be defended against
22 all suits to ensure that its interests, resources and rights are adequately
23 protected.
24

1 (4) Ensure the delivery of basic services and the provision of adequate facilities as
2 provided for under Section 17 of the Local Government Code of 1991 and, in addition
3 thereto, shall:

4
5 (a) Ensure that the construction and repair of roads and highways
6 funded by the national government shall be, as far as practicable, carried out
7 in a spatially contiguous manner and in coordination with the construction and
8 repair of the roads and bridges of the province and of its component cities and
9 municipalities; and

10 (b) Coordinate the implementation of technical services by national offices
11 for the province and its component cities and municipalities, including public
12 works and infrastructure programs of the provincial government and its
13 component cities and municipalities.

14 (5) Exercise such other powers and perform such other duties and functions as
15 may be prescribed by law or ordinance.

16
17 (C) The provincial governor shall receive a minimum monthly compensation corresponding
18 to Salary Grade Thirty (30) prescribed under Republic Act No. 6758, otherwise known as the
19 Salary Standardization Law and its implementing guidelines.

20
21 **SECTION 11. *The Vice Governor.*** — (A) The vice governor shall:

22
23 (1) Be the presiding officer of the sangguniang panlalawigan and sign all warrants
24 drawn on the provincial treasury for all expenditures appropriated for the operation of
25 the sangguniang panlalawigan;

(2) Subject to civil service law, rules and regulations, appoint all officials and employees including the secretary of the sangguniang panlalawigan, except those whose manner of appointment is specifically provided under existing laws;

(3) Assume the office of the governor for the unexpired term of the latter in the event of permanent vacancy as provided for in Section 44, Book I of the Local Government Code of 1991;

(4) Exercise the powers and perform the duties and functions of the governor in cases of temporary vacancy as provided for in Section 46, Book I of the Local Government Code 1991; and

(5) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

(B) The vice governor shall receive a monthly compensation corresponding to Salary Grade Twenty-eight (28) as prescribed under Republic Act No. 6758 and the implementing guidelines issued pursuant thereto.

ARTICLE IV

THE SANGGUNIANG PANLALAWIGAN

SECTION 12. *Composition.* — (A) The sangguniang panlalawigan, the legislative body of the province, shall be composed of the provincial vice governor as presiding officer, the ten (10) regular sangguniang panlalawigan members, which shall be elected by district, the first district shall be composed of Calbayog City which shall elect at large five (5) members and the second district which shall be composed of the nine (9) municipalities shall elect at large

1 *five (5)* members, the president of the provincial chapter of the liga ng mga barangay, the
2 president of the panlalawigang pederasyon ng mga sangguniang kabataan, the president of
3 the provincial federation of sanggunian members of component cities and municipalities and
4 the sectoral representatives, as members.

5
6 (B) In addition thereto, there shall be three sectoral representatives: one from the women;
7 and as shall be determined by the sanggunian concerned within ninety (90) days prior to the
8 holding of the local elections, one from the agricultural or industrial workers; and one from
9 the other sectors, including the urban poor, indigenous cultural communities or
10 disabled persons.

11
12 (C) The regular members of the sangguniang panlalawigan and the sectoral representatives
13 shall be elected in the manner as provided for by law, and shall receive a monthly
14 compensation corresponding to Salary Grade Twenty-seven (27) as prescribed under
15 Republic Act No. 6758 and its implementing guidelines.

16
17 **SECTION 13. *Powers and Functions.*** — (A) The sangguniang panlalawigan, as the
18 legislative body of the province, pursuant to Section 16 and Section 22 of the Local
19 Government Code of 1991, shall:

20
21 (1) Approve all ordinances and pass resolutions necessary for an efficient and
22 effective provincial government and, in this connection, shall:

23
24 (a) Review all ordinances approved by the sanggunians of component cities
25 and municipalities and executive orders issued by the mayors of said

1 component units to determine whether these are within the scope of the
2 prescribed powers of the sanggunian and of the mayor;

3 (b) Maintain peace and order by enacting measures to prevent and suppress
4 lawlessness, disorder, riot, violence, rebellion or sedition, and impose
5 penalties for the violation of said ordinances;

6 (c) Approve ordinances imposing a fine not exceeding Five thousand pesos
7 (P5,000.00) or imprisonment not exceeding one year, or both, at the discretion
8 of the court, for the violation of a provincial ordinance;

9 (d) Adopt measures to protect the inhabitants of the province from the
10 harmful effects of man-made or natural disasters and calamities, and to
11 provide relief services and assistance to victims during and in the aftermath of
12 said disasters or calamities and their return to productive livelihood following
13 said events;

14 (e) Enact ordinances intended to prevent, suppress and impose appropriate
15 penalties for habitual disturbance in public places, vagrancy, mendicancy,
16 prostitution, establishment and maintenance of houses of ill repute, gambling
17 and other prohibited games of chance, fraudulent devices and ways to obtain
18 money or property, drug addiction, maintenance of drug dens, drug pushing,
19 juvenile delinquency, the printing, distribution or exhibition of obscene or
20 pornographic materials or publications, and such other activities inimical to
21 the welfare and morals of the inhabitants of the province;

22 (f) Protect the environment and impose appropriate penalties for acts which
23 endanger the environment, such as dynamite fishing and other forms of
24 destructive fishing, illegal logging and smuggling of logs, smuggling of

1 natural resources products and of endangered species of flora and fauna, slash
2 and burn farming, and such other activities which result in pollution,
3 acceleration of eutrophication of rivers and lakes, or of ecological balance;

4 (g) Subject to the provision of the Local Government Code of 1991 and
5 pertinent laws, determine the powers and duties of officials and employees of
6 the province;

7 (h) Consistent with the Salary Standardization Law, determine the positions
8 and salaries, wages, allowances and other emoluments and benefits of officials
9 and employees paid wholly or mainly from provincial finds, and provide for
10 expenditures necessary for the proper conduct of programs, projects, services
11 and activities of the provincial government;

12 (i) Authorize the payment of compensation to a qualified person not in the
13 government service who fills up a temporary vacancy, or grant honorarium to
14 any qualified official or employee designated to fill a temporary vacancy in a
15 concurrent capacity, at the rate authorized by law;

16 (j) Provide mechanism and the appropriate funds to ensure the safety and
17 protection of all provincial government property, public documents or records,
18 such as those relating to property inventory, land ownership, records of births,
19 marriages, deaths, assessments, taxation, accounts, business permits and such
20 other records and documents of public interest in the offices and departments
21 of the provincial government;

22 (k) When the finances of the provincial government allow, provide for
23 additional allowances and other benefits to judges, prosecutors, public
24 elementary and high school teachers, and other national government officials
25 stationed or assigned to the province;

1 (1) Provide legal assistance to provincial and municipal officials including the
2 members of the provincial police who, in the performance of their official
3 duties or on the occasion thereof, have to initiate judicial proceedings or
4 defend themselves against legal actions. The sangguniang panlalawigan may
5 authorize the provincial governor to engage the services of private counsel for
6 this purpose; and

7 (m) Provide for group insurance or additional insurance coverage for all
8 officials, including members of barangay tanod brigades and other service
9 units, with public or private insurance companies, when the finances of the
10 provincial government allow said coverage.

1 (2) Generate and maximize the use of resources and revenues for the development
2 plans, program objectives and priorities of the province as provided for under Section
3 18 of the Local Government Code of 1991, with particular attention to agro-industrial
4 development and country-wide growth and progress and relative thereto, shall:

5
6 (a) Enact the annual and supplemental appropriations of the provincial
7 government and appropriate funds for specific programs, projects, services
8 and activities of the province, or for other purposes not contrary to law, in
9 order to promote the general welfare of the province and its inhabitants;

10 b) Subject to the provisions of Book II of the Local Government Code of
11 1991 and applicable laws and upon the majority vote of all the members of the
12 sangguniang panlalawigan, enact ordinances levying taxes, fees and charges,
13 prescribing the rates thereof for general and specific purposes, and granting
14 tax exemptions, incentives or reliefs;

15 (c) Subject to the provisions of Book II of the Local Government Code of
16 1991 and applicable laws and upon the majority vote of all the members of the
17 sangguniang panlalawigan, authorize the provincial governor to negotiate and
18 contract loans and other forms of indebtedness;

19 (d) Subject to the provisions of Book II of the Local Government Code of
20 1991 and applicable laws and upon the majority vote of all the members of the
21 sangguniang panlalawigan, enact ordinances authorizing the floating of bonds
22 or other instruments of indebtedness, for the purpose of raising funds to
23 finance development projects;

24 (e) Appropriate funds for the construction and maintenance or the rental of
25 buildings for the use of the province; and upon the majority vote of all the

members of the sangguniang panlalawigan, authorize the provincial governor to lease to private parties such public buildings held in a proprietary capacity, subject to existing laws, rules and regulations;

(f) Prescribe reasonable limits and restraints on the use of property within the jurisdiction of the province;

(g) Review the comprehensive land use plans and zoning ordinances of component cities and municipalities and adopt a comprehensive provincial land use plan, subject to existing laws;

(h) Reclassify lands within the jurisdiction of the province subject to the pertinent provisions of the Local Government Code of 1991;

(i) Adopt measures to enhance the full implementation of the national agrarian reform program in coordination with the Department of Agrarian Reform;

(j) Enact integrated zoning ordinances in consonance with the approved comprehensive provincial land use plan, subject to existing laws, rules and regulations; establish fire limits or zones, particularly in populous centers, and regulate the construction, repair or modification of buildings within said fire limits or zones in accordance with the provisions of the Fire Code;

(k) Subject to national law, process and approve subdivision plans for residential, commercial or industrial purposes and other development purposes, and collect processing fees and other charges, the proceeds of which shall accrue entirely to the province: *Provided, however,* That where approval of a national agency or office is required by law, said approval shall not be withheld for more than thirty (30) days from receipt of the application. Failure to act on the application within the period stated above shall be deemed as

1 approval thereof;

2 (1) Subject to the provisions of Book IT of the Local Government Code of
3 1991, grant the exclusive privilege of constructing fish corrals or fish pens, or
4 the taking or catching of bangus fry, prawn fry or kawag-kawag, or fry of any
5 species of fish within the provincial waters;

6 (m) With the concurrence of at least two-thirds (2/3) of all the members of the
7 sangguniang panlalawigan, grant tax exemptions, incentives or relief to
8 entities engaged in community growth-inducing industries, subject to the
9 provisions of the Local Government Code of 1991;

10 (ii) Grant loans or provide grants to other LGUs or to national, provincial and
11 municipal charitable, benevolent or educational institutions operated and
12 maintained within the province;

13 (o) Regulate the numbering of residential, commercial and other buildings;
14 and

15 (p) Regulate the inspection, weighing and measuring of articles of commerce.
16

17 (3) Subject to the provision of the Local Government Code of 1991, grant franchises,
18 approve the issuance of permits or licenses, or enact ordinances levying taxes, fees
19 and charges upon such conditions and for such purposes intended to promote the
20 general welfare of the inhabitants of the province, and pursuant to the legislative
21 authority, shall:
22

23 (a) Fix and impose reasonable fees and charges for all services rendered by
24 the provincial government to private persons or entities;

25 (b) Regulate and fix license fees for any business or practice of profession

1 within the province and the conditions under which the license for said
2 business or practice of profession may be revoked and enact ordinances
3 levying taxes thereon;

4 (c) Provide for and set the terms and conditions under which public utilities
5 owned by the province shall be operated by the provincial government, and
6 prescribe the conditions under which the same may be leased to private
7 persons or entities, preferably cooperatives;

8 (d) Regulate the display of and fix the license fees for signs, signboards or
9 billboards at the place or places where the profession or business advertised
10 thereby is, in whole or in part, conducted;

11 (e) Any law to the contrary notwithstanding, authorize and license the
12 establishment, operation and maintenance of cockpits, and regulate
13 cockfighting and commercial breeding of gamecocks. Existing rights should
14 not be prejudiced;

15 (f) Subject to the guidelines prescribed by the Department of Transportation
16 and Communications, regulate the operation of tricycles and grant franchises
17 for the operation thereof within the territorial jurisdiction of the province; and

18 (g) Upon approval by a majority vote of all the members of the sangguniang
19 panlalawigan, grant a franchise to any person, partnership, corporation or
20 cooperative to do business within the province; establish, construct, operate
21 and maintain ferries, wharves, markets or slaughterhouses; or undertake such
22 other activities within the province as may be allowed by existing law;

1 (4) Regulate activities relative to the use of land, buildings and structures within the
2 province in order to promote the general welfare and, for said purpose, shall:

3
4 (a) Declare, prevent or abate nuisance;

5 (b) With the concurrence of a majority of the members of the sangguniang
6 panlalawigan, a quorum being present, deny the entry of legalized gambling
7 by ordinance into any part of the province or regulate its location in the
8 province;

9 (c) Require that buildings and the premises thereof and any land within the
10 province be kept and maintained in a sanitary condition, impose penalties for
11 any violation thereof; or upon failure to comply with such requirements, have
12 the work done at the expense of the owner, administrator or tenant, and require
13 the filling up of any land or premises to a grade necessary for proper
14 implementation;

15 (d) Regulate the disposal of clinical and other wastes from hospitals, clinics
16 and other similar establishments;

17 (e) Regulate the establishment, operation and maintenance of cafes, bars,
18 restaurants, beer, wine and liquor stores, hotels, motels, inns, pension houses,
19 dorms and lodging houses, and other similar establishments, including tourists
20 guides and transportation services;

21 (f) Regulate the sale, giving away, dispensing of any intoxicating malt, *vino*,
22 or mixed or fermented liquors at any provincial retail outlets;

23 (g) Regulate the establishment and provide for the inspection of steam boilers
24 or any heating device in buildings and structures, and the storage of
25 inflammable and highly combustible materials within the province;

1 (h) Regulate the establishment, operation and maintenance of any
2 entertainment or amusement facilities, including the theatrical and stage
3 performances, circuses, billiard pools, public dancing halls, computer gaming
4 cafes and bars, health and fitness spas, sauna baths, massage parlors and other
5 place for entertainment or amusement; regulate such other events or activities
6 for amusement or entertainment, particularly those which tend to disturb the
7 community or annoy the inhabitants, or require the suspension or suppression
8 of the same; or prohibit certain forms of amusement or entertainment in order
9 to protect the social and moral welfare of the community;

10 (i) Regulate the establishment, operation and maintenance of funeral parlors
11 and the burial or cremation of the dead, subject to existing laws, rules and
12 regulations;

13 (j) Regulate the establishment, service, operation and maintenance of gyms,
14 sports centers, health and fitness spas, and

15 (k) Provide for the impounding of stray animals; regulate the keeping of
16 animals in homes or as part of a business, and the slaughter, sale or disposition
17 of the same; and adopt measures to prevent and penalize cruelty to animals.

18 (5) Approve ordinances which shall ensure the efficient and effective delivery
19 of the basic services and facilities as provided for in Section 17 of the Local
20 Government Code of 1991 and, in addition to said services and facilities, shall:

21 (a) Adopt measures and safeguards against pollution and for the preservation
22 of the natural ecosystem in the province in consonance with approved
23 standards on human settlements and environmental sanitation;

24 (b) Provide for the establishment, maintenance, protection and conservation
25 of communal forests and watersheds, tree parks, greenbelts, mangroves and

other similar forest development projects;

(c) Establish markets, slaughterhouses or animal corrals and authorize the operation thereof by the provincial government; and regulate the construction and operation of private markets, talipapas or other similar buildings and structures;

(d) Authorize the establishment, maintenance and operation by the provincial government of ferries, wharves and other structures intended to accelerate productivity related to marine and seashore or offshore activities;

e) Regulate the preparation and sale of meat, poultry, fish, vegetables, fruits, fresh dairy products and other foodstuffs for public consumption;

(f) Regulate the use of streets, avenues, alleys, sidewalks, bridges, parks and other public places and approve the construction, improvement, repair and maintenance of the same; establish bus and vehicle stops and terminals or regulate the use of the same by privately-owned vehicles which serve the public; regulate garages and operation of conveyances for hire; designate stands to be occupied by public vehicles when not in use; regulate the putting up of signs, signposts, awnings and awning posts on the streets; and provide for the lighting, cleaning and sprinkling of streets and public places;

(g) Regulate traffic on all streets and bridges; prohibit encroachments or obstacles thereon and, when necessary in the interest of public welfare, authorize the removal of encroachments and illegal settlement structures and constructions in public lands and areas;

(h) Subject to existing laws, establish and provide for the maintenance, repair and operation of an efficient waterworks system to supply water for the inhabitants and to purify the source of the water supply; regulate the

1 construction, maintenance, repair and use of hydrants, pumps, cisterns and
2 reservoirs; and protect the purity and quantity of the water supply of the
3 province;

4 (i) Regulate the drilling and excavation of the ground for groundwater source,
5 laying of water, gas, sewer and other pipes, and the construction, repair and
6 maintenance of public drains, sewers, cesspools, tunnels and similar
7 structures; regulate the placing of poles and the use of crosswalks, curbs and
8 gutters, adopt measures to ensure public safety against open canals, manholes,
9 live wires, and other similar hazards to life and property, and regulate the
10 construction and use of private water closets, privies, and other similar
11 structures in buildings and homes;

12 (j) Regulate the placing, stringing, attaching, installing, repair and
13 construction of all gas mains, electric telegraph and telephone wires and
14 cables, conduits, meters, support structures, and other similar apparatus and
15 provide for the correction, condemnation and removal of the same when found
16 to be dangerous to the welfare of the inhabitants;

17 (k) Subject to the availability of funds and to existing laws, rules and
18 regulations, provide for the establishment and operation of vocational and
19 technical schools and similar post-secondary institutions; and, with the
20 approval of the Department of Education and subject to existing laws on
21 tuition fees, fix reasonable tuition fees and other school charges in educational
22 institutions supported by the provincial government;

23 (l) Establish an education and training scholarship fund for the poor but
24 deserving constituents in schools located within its jurisdiction or of students
25 residing within the province;

1 m) Approve measures and adopt quarantine regulations to prevent the
2 introduction and spread of diseases within its territorial jurisdiction;
3 (n) Provide for the care of paupers, the aged, the sick, persons of unsound
4 mind, abandoned minors, abused children, disabled persons, juvenile
5 delinquents, drug dependents, and other needy and disadvantaged persons,
6 particularly children and youth below eighteen (18) years of age; subject to the
7 availability of funds, establish and support the operation of centers and
8 facilities for said needy and disadvantaged persons and facilitate the efforts to
9 promote the welfare of families below the poverty threshold, the
10 disadvantaged and the exploited;
11 (o) Establish and provide for the maintenance and improvement of jails and
12 detention centers, institute a sound jail management program, and appropriate
13 funds for the subsistence of detainees and convicted prisoners in the province;
14 (p) Establish a provincial council whose purpose is the promotion of culture
15 and the arts, coordinate with government agencies and nongovernmental
16 organizations and, subject to the availability of funds, appropriate funds for
17 the support and development of the same; and
18 (q) Establish a provincial council for the elderly and veterans which shall
19 formulate policies and adopt measures mutually beneficial to the elderly and
20 to the province; and, subject to the availability of funds, appropriate funds to
21 support programs and projects for the elderly; and provide incentives for
22 nongovernmental agencies and entities to support the programs and projects
23 of the elderly.

24
25 (6) Exercise such other powers and perform *such* other duties and functions as

provided for under the Local Government Code of 1991 and as may be prescribed by law or ordinance.

ARTICLE V PROCESS OF LEGISLATION

SECTION 14. *Internal Rules of Procedure.* — (A) On the first regular session following the election of its members and within ninety (90) days thereafter, the sangguniang panlalawigan shall adopt its own rules of procedure.

(B) The rules of procedure shall provide for the following:

(1) The organization of the sanggunian and the election of its officers as well as the creation of standing committees which shall include, but shall not be limited to, the committees on appropriations, revenues, engineering and public works, education and health, women and family, human rights, youth and sports development, environmental protection, peace and order and traffic, and cooperatives; the general jurisdiction of each committee; and the election of the chairman and members of each committee;

(2) The order and calendar of business for each session;

(3) The legislative process;

(4) The parliamentary procedures which include the conduct of members during sessions;

(5) The discipline of members for disorderly behavior and absences without

justifiable cause for four consecutive sessions for which they may be censured, reprimanded or excluded from the session, suspended for not more than sixty (60) days, or expelled: *Provided*, That penalty of suspension or expulsion shall require the concurrence of at least two-thirds (2/3) of all the sanggunian members: *Provided*, *further*, That the member convicted by final judgment to imprisonment of at least one year for any crime involving moral turpitude shall be automatically expelled from the sanggunian; and

(6) Such other rules as the sanggunian may adopt.

SECTION 15. *Full Disclosure of Financial and Business Interests of the Sangguniang*

Panlalawigan Members. — (A) Every sangguniang panlalawigan member shall, upon assumption to office, make a full disclosure of his business and financial interests. He shall also disclose any business and financial, professional relationship, or any relation by affinity or consanguinity within the fourth civil degree which he may have with any person, firm or entity affected by any ordinance or resolution under consideration by the sanggunian of which he is a member, which relationship may result in conflict of interest. Such relationship shall include:

(1) Ownership of stocks or capital, or investment in the entity or firm to which the ordinance or resolution may apply; and

(2) Contracts or agreements with any person or entity which the ordinance or resolution under consideration may affect. In the absence of a specific constitutional or statutory provision applicable to this situation, “conflict of interest” refers in general to one where it may be reasonably deduced that a member of a sangguniang panlalawigan may not act in the public interest due to some private, pecuniary or

1 other personal considerations that may tend to affect his judgment to the prejudice of
2 the service or the public.

3
4 (B) The disclosure required under this Act shall be made in writing and submitted to the
5 secretary of the sanggunian or the secretary of the committee of which he is a member. The
6 disclosure shall, in all cases, form part of the record of the proceedings and shall be made in
7 the following manner:

8
9 (1) Disclosure shall be made before the member participates in the deliberations on
10 the ordinance or resolution under consideration: *Provided*, That if the member did not
11 participate during the deliberations, the disclosure shall be made before voting on the
12 ordinance or resolution on second and third readings; and

13 (2) Disclosure shall be made when a member takes a position or makes a privilege
14 speech on a matter that may affect the business interest, financial connection or
15 professional relationship described herein.

16
17 **SECTION 16. Sessions.** — (A) On the first day of session immediately following the
18 election of its members, the sangguniang panlalawigan shall, by resolution, fix the day, time
19 and place of its regular sessions. The minimum number of regular sessions of the
20 sangguniang panlalawigan shall be once a week.

21
22 (B) When the public interest so demands, special sessions may be called by the provincial
23 governor or by a majority of the members of the sanggunian.

C) All sanggunian sessions shall be open to the public unless a closed-door session is ordered by an affirmative vote of a majority of the members present, there being a quorum, in the public interest or for reasons of security, decency or morality. No two sessions, regular or special, may be held in a single day.

(D) In the case of special sessions of the sanggunian, a written notice to the members shall be served personally at the members' usual place of residence at least twenty-four (24) hours before the special session is held. Unless otherwise concurred in by two-thirds (2/3) vote of the sanggunian members present, there being a quorum, no other matters may be considered at a special session except those stated in the notice.

(E) The sanggunian shall keep a journal and a record of its proceedings which may be published upon resolution of the sangguniang panlalawigan.

SECTION 17. *Quorum*. — (A) A majority of all the members of the sanggunian who have been elected and qualified shall constitute a quorum to transact official business. Should a question of quorum be raised during the session, the presiding officer shall immediately proceed to call the roll of the members and thereafter announce the results.

(B) Where there is no quorum, the presiding officer may declare a recess until such time that a quorum is constituted, or a majority of members present may adjourn from day to day and may compel the immediate attendance of any member absent without justifiable cause by designating a member of the sanggunian, to be assisted by a member or members of the police force assigned in the territorial jurisdiction of the province, to arrest the absent member and present him at the session.

1
2 (C) If there is still no quorum despite the enforcement of the immediately preceding
3 subsection, no business shall be transacted. The presiding officer, upon proper motion duly
4 approved by the members present, shall then declare the session adjourned for lack of
5 quorum.

6
7 **SECTION 18. *Approval of Ordinances.*** — (A) Every ordinance enacted by the
8 sangguniang panlalawigan shall be presented to the provincial governor. If the governor
9 approves the same, he shall affix his signature on each and every page thereof; otherwise, he
10 shall veto it and return the same with his objections to the sanggunian, which may proceed to
11 reconsider the same. The sanggunian may override the veto of the governor by two-thirds
12 (2/3) vote of all its members, thereby making the ordinance or resolution effective for all
13 legal intents and purposes.

14
15 (B) The veto shall be communicated by the governor to the sangguniang panlalawigan within
16 fifteen (15) days; otherwise, the ordinance shall be deemed approved as if he had signed it.

17
18 **SECTION 19. *Veto Power of the Governor.*** — (A) The provincial governor may veto any
19 ordinance of the sangguniang panlalawigan on the ground that it is prejudicial to the public
20 welfare, stating his reasons thereof in writing.

21
22 (B) The governor shall have the power to veto any particular item or items of an
23 appropriations ordinance, an ordinance or resolution adopting a local development plan, a
24 public investment program, or an ordinance directing the payment of money or creating
25 liability. In such case, the veto shall not affect the item or items which are not objected to.

1 The vetoed item or items shall not take effect unless the sangguniang panlalawigan overrides
2 the veto in the manner herein provided; otherwise, the item or items in the appropriations
3 ordinance of the previous year corresponding to those vetoed, if any, shall be deemed
4 reenacted.

5
6 (C) The governor may veto an ordinance or resolution only once. The sanggunian may
7 override the veto of the governor by two-thirds (2/3) vote of all its members, thereby making
8 the ordinance effective even without the approval of the provincial governor.

11 **ARTICLE VI**

12 **SUCCESSION FOR ELECTIVE PROVINCIAL OFFICIALS**

13
14 **SECTION 20. *Permanent Vacancy in the Office of the Provincial Governor.*** — If a
15 permanent vacancy occurs in the office of the governor, the vice governor shall become the
16 governor. If the vice governor refuses to assume the position of governor, the highest ranking
17 sangguniang panlalawigan member shall become the governor. If a permanent vacancy
18 occurs in the office of the vice governor, the highest ranking sangguniang panlalawigan
19 member or, in case of his permanent incapacity, the second highest ranking sangguniang
20 panlalawigan member shall become the provincial governor or vice governor, as the case may
21 be. Subsequent vacancies in said offices shall be filled automatically by the other sanggunian
22 members according to their ranking as defined herein:

23
24 (1) A tie between or among the highest ranking sangguniang panlalawigan members
25 shall be resolved by drawing of lots;

(2) The successors as defined herein shall serve only the unexpired terms of their predecessors;

(3) For purposes of this Act, a permanent vacancy arises when an elective local official fills a higher vacant office, refuses to assume office, fails to qualify, dies, is removed from office, voluntarily resigns, or is otherwise permanently incapacitated to discharge the functions of his office; and

(4) For purposes of succession as provided in this Act, ranking in the sangguniang panlalawigan shall be determined on the basis of the proportion of votes obtained by each winning candidate to the total number of registered voters in the province in the immediately preceding local elections.

SECTION 21. *Permanent Vacancies in the Sanggunian.* — Permanent vacancies in the sangguniang panlalawigan where automatic succession as provided above does not apply shall be filled by appointments in the following manner:

(1) The President, through the Executive Secretary shall make the aforesaid appointments;

(2) Only the nominee of the political party under which the sanggunian member concerned had been elected shall be appointed in the manner herein provided. The appointee shall come from the political party as that of the sanggunian member who caused the vacancy and shall serve the unexpired term of the vacant office. In the appointment herein mentioned, a nomination and a certificate of membership of the appointee from the highest official of the political party concerned are conditions *sine qua non*, and any appointment without such nomination and certification shall be null and void *ab initio* and shall be a ground for administrative action against the

1 responsible official;

2 (3) In case the permanent vacancy is caused by a sanggunian member who does not
3 belong to any political party, the governor shall, upon recommendation of the
4 sangguniang panlalawigan, appoint a qualified person to fill the vacancy; and

5 (4) In case of vacancy in the representation of the sangguniang kabataan, the
6 sangguniang barangay and the provincial league of councilors in the sangguniang
7 panlalawigan, said vacancy shall be filled automatically by the official next in rank of
8 the organization concerned.

9
10 **SECTION 22. *Temporary Vacancy in the Office of the Provincial Governor.*** — (A) When
11 the governor is temporarily incapacitated to perform his duties for physical or legal reasons
12 such as, but not limited to, leave of absence, travel abroad and suspension from office, the
13 vice governor shall automatically exercise the powers and perform the duties and functions of
14 the governor, except the power to appoint, suspend or dismiss employees which can only be
15 exercised if the period of temporary incapacity exceeds thirty (30) working days.

16
17 (B) Said temporary incapacity shall terminate upon submission to the sangguniang
18 panlalawigan of a written declaration by the governor that he has reported back to office. In
19 case where the temporary incapacity is due to legal cause, the governor shall also submit
20 necessary documents showing that the said legal cause no longer exists.

21
22 (C) When the provincial governor is traveling within the country but outside the territorial
23 jurisdiction of the province for a period not exceeding three consecutive days, he may
24 designate in writing the officer-in-charge of his office. Such authorization shall specify the

1 powers and functions that the local official concerned shall exercise in the absence of the
2 governor except the power to, appoint, suspend or dismiss employees.

3
4 (D) In the event, however, that the governor fails or refuses to issue such authorization, the
5 vice governor shall have the right to assume the powers, duties and functions of the said
6 office on the fourth day of absence of the governor, subject to the limitations provided in
7 subsection (C) hereof.

8
9 (E) Except as provided above, the governor shall in no case authorize any local official to
10 assume the powers, duties and functions of the office other than the vice governor.

13 **ARTICLE VII**

14 **APPOINTIVE PROVINCIAL OFFICIALS:**

15 **THEIR QUALIFICATIONS, POWERS AND DUTIES**

16
17 **SECTION 23. *The Secretary to the Sangguniang Panlalawigan.*** — (A) There shall be a
18 secretary to the sangguniang panlalawigan who shall be a career official, with the rank and
19 salary equal to a head of department or office.

20
21 (B) No person shall be appointed secretary to the sanggunian unless he is a citizen of the
22 Philippines, a resident of the local government unit concerned, of good moral character, a
23 holder of a degree preferably in law, commerce or public administration from a recognized
24 college or university, and a first grade civil service eligible or its equivalent.

1
2 (C) The secretary of the sanggunian shall take charge of the office the sangguniang
3 panlalawigan, and shall:

4
5 (1) Attend meetings of the sanggunian and keep a journal of its proceedings;

6 (2) Keep the seal of the local government unit and affix the same with his signature to
7 all ordinances, resolutions and other official acts of the sanggunian, and present the
8 same to the presiding officer for his signature;

9 (3) Forward to the governor, for approval, copies of ordinances enacted by the
10 sanggunian and duly certified by the presiding officer, in the manner provided for in
11 Section 54 of the Local Government Code of 1991;

12 (4) Forward to the sangguniang bayan or sangguniang panlungsod, as the case may
13 be, copies of duly approved ordinances, in the manner provided in Sections 56 and 57
14 of the Local Government Code of 1991;

15 (5) Furnish, upon the request of any interested party, certified copies of records of
16 public character in his custody, upon payment to the treasurer of such fees as may be
17 prescribed by ordinance;

18 (6) Record in a book kept for the purpose, all ordinances and resolutions enacted or
19 adopted by the sanggunian, with the dates of passage and publication thereof;

20 (7) Keep his office and all non-confidential records therein open to the public during
21 the usual business hours;

22 (8) Translate into the dialect used by the majority of the inhabitants all ordinances and
23 resolutions immediately after their approval, and cause the publication of the same
24 together with the original version in the manner provided for under the Local
25 Government Code of 1991; and

(9) Take custody of the local archives and, where applicable,
the local library and annually account for the same.

(D) Exercise such powers and perform such other duties and functions as may be prescribed
by law or ordinance relative to his position.

SECTION 24. *The Provincial Treasurer.* — (A) The treasurer shall be appointed by the
Secretary of Finance from the list of at least three ranking eligible recommendees of the
governor, subject to civil service law, rules and regulations.

(B) The treasurer shall be under the administrative supervision of the governor to whom he
shall report regularly on the tax collection efforts in the local government unit.

(C) No person shall be appointed treasurer unless he is a citizen of the Philippines, a resident
of the local government unit, of good moral character, a holder of a college degree preferably
in commerce, public administration or law from a recognized college or university, and a first
grade civil service eligible or its equivalent. He must have acquired experience in treasury or
accounting service for at least five years. The appointment of the provincial treasurer shall be
mandatory.

(D) He shall take charge of the treasury office, perform the duties provided for under Book II
of the Local Government Code of 1991, and shall:

(1) Advise the governor or the sanggunian, as the case may be, and other local

government and national officials concerned regarding the disposition of local government funds and on such other matters relative to public finance;

(2) Take custody and exercise proper management of the funds of the local government unit concerned;

(3) Take charge of the disbursement of all local government funds and such other funds the custody of which may be entrusted to him by law or other competent authority;

(4) Inspect private commercial and industrial establishments within the jurisdiction of the province in relation to the implementation of tax ordinances, pursuant to the provisions of Book II of the Local Government Code of 1991;

(5) Maintain and update the tax information system of the local government unit; and

(6) Exercise technical supervision over all treasury offices of component cities and municipalities.

(E) Exercise such other powers and perform such other functions and duties as may be prescribed by law or ordinance.

SECTION 25. *The Provincial Assessor.* — (A) No person shall be appointed assessor unless he is a citizen of the Philippines, a resident of the province, of good moral character, a holder of a college degree preferably in civil or mechanical engineering, commerce or any other related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired experience in real property assessment work or in any related field for at least five years. The appointment of the provincial assessor shall be mandatory.

1
2 (B) The assessor shall take charge of the assessor's office, perform the duties provided for
3 under Book II of the Local Government Code of 1991, and shall:
4

5 (1) Ensure that all laws and policies governing the appraisal and assessment of real
6 properties for taxation purposes are properly executed;

7 (2) Initiate, review and recommend changes in policies and objectives, plans and
8 programs, techniques, procedures and practices in the valuation and assessment of
9 real properties for taxation purposes;

10 (3) Establish a systematic method of real property assessment;

11 (4) Install and maintain a real property identification and accounting system;

12 (5) Prepare, install and maintain a system of tax mapping, showing graphically all
13 properties subject to assessment and gather all data concerning the same;

14 (6) Conduct frequent physical surveys to verify and determine whether all real
15 properties within the province are properly listed in the assessment rolls;

16 (7) Exercise the functions of appraisal and assessment primarily for taxation purposes
17 of all real properties in the province;

18 (8) Prepare a schedule of the fair market value for the different classes of real
19 properties, in accordance with Title 2, Book II of the Local Government Code of
20 1991;

21 (9) Issue, upon request of any interested party, certified copies of assessment records
22 or real property and all other records relative to its assessment, upon payment of a
23 service charge or fee to the treasurer;
24

(10) Submit every semester a report of all assessments; as well as cancellations and modifications of assessments to the governor and the sangguniang panlalawigan; and

(11) Exercise technical supervision and visitorial functions over all component city and municipal assessors, coordinate with component city or municipal assessors in the conduct of tax mapping operations and all other assessment activities, and provide all forms of assistance: Provided, however, That upon full provision by the component city or municipality concerned to its assessor's office of the minimum personnel, equipment and funding requirements as may be prescribed by the Secretary of Finance, such functions shall be delegated to the said municipal assessor.

(C) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

SECTION 26. *The Provincial Accountant.* — (A) No person shall be appointed accountant unless he is a citizen of the Philippines, a resident of the province, of good moral character and a certified public accountant. He must have acquired experience in the treasury or accounting service for at least five years. The appointment of a provincial accountant is mandatory.

(B) The accountant shall take charge of both the accounting and internal audit services of the province, and shall:

(1) Install and maintain an internal audit system in the province;

(2) Prepare and submit financial statements to the governor and to the sangguniang panlalawigan;

1 (3) Apprise the sanggunian and other local government officials on the financial
2 condition and operations of the provincial government;

3 (4) Certify to the availability of budgetary allotment to which expenditures and
4 obligations may be properly charged;

5 (5) Review supporting documents before preparation of vouchers to determine
6 completeness of requirements;

7 (6) Prepare statements of cash advances, liquidation, salaries, allowances,
8 reimbursements and remittances pertaining to the provincial government;

9 (7) Prepare statements of journal vouchers and liquidation of the same and other
10 adjustments related thereto;

11 (8) Post individual disbursements to the subsidiary ledger and index cards;

12 (9) Maintain individual ledgers for officials and employees of the provincial
13 government pertaining to payrolls and deductions;

14 (10) Record and post in index cards details of purchased furniture, fixtures and
15 equipment, including disposal thereof, if any;

16 (11) Account for all issued requests for obligations and maintain and keep all records
17 and reports related thereto; and

18 (12) Prepare journals and the analysis of obligations and maintain and keep all
19 records and reports related thereto.

20
21 (C) Exercise such other powers and perform such other duties and functions as may be
22 provided by law or ordinance.

23
24 **SECTION 27. *The Provincial Budget Officer.*** — (A) No person shall be appointed budget
25 officer unless he is a citizen of the Philippines, a resident of the province, of good moral

1 character, a holder of a college degree preferably in accounting, economics, public
2 administration or any related course from a recognized college or university, and a first grade
3 civil service eligible or its equivalent. He must have acquired experience in government
4 budgeting or in any related field for at least five years. The appointment of the provincial
5 budget officer shall be mandatory.

6
7 (B) The budget officer shall take charge of the budget office, and shall:

8
9 (1) Prepare forms, orders and circulars embodying instructions on budgetary and
10 appropriation matters for the signature of the governor;

11 (2) Review and consolidate the budget proposals of different departments and offices
12 of the province;

13 (3) Assist the governor in the preparation of the budget and during the budget
14 hearings;

15 (4) Study and evaluate budgetary implications of proposed legislation and submit
16 comments and recommendations thereon;

17 (5) Submit periodic budgetary reports to the Department of Budget and Management;

18 (6) Coordinate with the treasurer, the accountant and the planning and development
19 coordinator for the purpose of budgeting;

20 (7) Assist the sangguniang panlalawigan in reviewing the approved budgets of
21 component cities and municipalities; and

22 (8) Coordinate with the planning and development coordinator in the formulation of
23 the provincial development plan.

(C) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

(D) The appropriations for personal services of the budget officer shall be provided for in full in the annual budget of the provincial government.

SECTION 28. *The Provincial Planning and Development coordinator.* — (A) No person shall be appointed planning and development coordinator unless he is a citizen of the Philippines, a resident of the province, of good moral character, a holder of a college degree preferably in urban planning, development studies, economics, public administration or any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired experience in development planning or any related field for at least five years. The appointment of a provincial planning and development coordinator shall be mandatory to the provincial government.

(B) The planning and development coordinator shall take charge of the planning and development office, and shall:

(1) Formulate integrated economic, social, physical and other development plans and policies for consideration of the local government development council;

(2) Conduct continuing studies, researches and training programs necessary to evolve plans and programs for implementation;

(3) Integrate and coordinate all sectoral plans and studies undertaken by the different functional groups and agencies;

(4) Monitor and evaluate the implementation of the different development program, projects and activities in the province in accordance with the approved development plan;

(5) Prepare comprehensive plans and other development planning documents for the consideration of the provincial development council;

(6) Analyze the income and expenditure patterns, and formulate and recommend fiscal plans and policies for consideration of the finance committee of the province;

(7) Promote people participation in development planning within the province; and

(8) Exercise supervision and control over the secretariat of the provincial development council.

(C) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

SECTION 29. *The Provincial Engineer.* — (A) No person shall be appointed engineer unless he is a citizen of the Philippines, a resident of the province, of good moral character and a licensed civil engineer. He must have acquired experience in the practice of his profession for at least five years. The appointment of the provincial engineer shall be mandatory.

(B) The engineer shall take charge of the engineering office, and shall:

(1) Initiate, review and recommend changes in policies and objectives, plans and programs, techniques, procedures and practices in infrastructure development and public works in general of the province;

1 (2) Advise the governor on infrastructure, public works and other engineering matters;

2 (3) Administer, coordinate, supervise and control the construction, maintenance,
3 improvement and repair of roads, bridges and other engineering and public works
4 projects of the province;

5 (4) Provide engineering services to the province, including investigation and survey,
6 engineering designs, feasibility studies and project management; and

7 (5) Exercise technical supervision over all engineering offices of component cities
8 and municipalities.

9
10 (C) Exercise such other powers and perform such other duties and functions as may be
11 prescribed by law or ordinance.

12
13 **SECTION 30. *The Provincial Health Officer.*** — (A) No person shall be appointed health
14 officer unless he is a citizen of the Philippines, a resident of the province, of good moral
15 character and a licensed medical practitioner. He must have acquired experience in the
16 practice of his profession for at least five years. The appointment of a provincial health
17 officer shall be mandatory.

18
19 (B) The health officer shall take charge of the office on health services, and shall:

20
21 (1) Supervise the personnel and staff of aid office, formulate program implementation
22 guidelines and rules and regulations for the operation of the said office for the
23 approval of the governor, in order to assist him in the efficient, effective and
24 economical implementation of health services programs geared towards the
25 implementation of health-related projects and activities;

1 (2) Formulate measures for the consideration of the sangguniang panlalawigan and
2 provide technical assistance and support to the governor in carrying out activities to
3 ensure the delivery of basic services and provision of adequate facilities relative to
4 health services provided for under Section 17 of the Local Government Code of 1991;
5 (3) Develop plans and strategies and, upon approval thereof by the governor,
6 implement the same, particularly those which have to do with health programs and
7 projects which the governor is empowered to implement and which the sanggunian is
8 empowered to provide for under the Local Government Code of 1991;
9 (4) In addition to the foregoing duties and functions, the health officer shall:

10
11 (a) Formulate and implement policies, plans, programs and projects to
12 promote the health of the people of the province;

13 (b) Advise the governor and the sanggunian on matters pertaining to health;

14 (c) Execute and enforce laws, ordinances and regulations relating to public
15 health;

16 (d) Recommend to the sanggunian, through the provincial health board, the
17 passage of such ordinances as he may deem necessary for the preservation of
18 public health;

19 (e) Recommend the prosecution of any violation of sanitary laws, ordinances
20 and regulations;

21 (f) Direct the sanitary inspection of all business establishments selling food
22 items or providing accommodations such as hotels, motels, lodging houses,
23 pension houses and the like, in accordance with the Sanitation Code;

24 (g) Conduct health information campaigns and render health intelligence
25 service;

1 (h) Coordinate with other government agencies and nongovernmental
2 organizations involved in the promotion and delivery of health services; and

3 (i) Exercise general supervision over health offices of component cities and
4 municipalities.

5
6 (5) Be in the frontline of the delivery of health services, particularly during and in the
7 aftermath of man-made and natural disasters and calamities.

8
9 (C) Exercise such other powers and perform such other duties and functions as may be
10 prescribed by law or ordinance.

11
12 **SECTION 31. *The Provincial Civil Registrar.*** — (A) No person shall be appointed civil
13 registrar unless he is a citizen of the Philippines, a resident of the province, of good moral
14 character, a holder of a college degree from a recognized college or university, and a first
15 grade civil service eligible or its equivalent. He must have acquired experience in civil
16 registry work for at least five years. The appointment of a provincial civil registrar shall be
17 mandatory.

18
19 (B) The civil registrar shall be responsible for the civil registration program in the province
20 pursuant to the Civil Registry Law, the Civil Code and other pertinent laws, and rules and
21 regulations issued to implement them. The civil registrar shall take charge of the office of the
22 civil registry, and shall:

23
24 (1) Develop plans and strategies and, upon approval thereof by the governor,
25 implement the same, particularly those which have to do with civil registry programs

1 and projects which the governor is empowered to implement and which the
2 sanggunian is empowered to provide for under the Local Government Code of 1991;

3 (2) In addition to the foregoing duties and functions, the civil registrar shall:

4 (a) Accept all registrable documents and judicial decrees affecting the civil
5 status of persons;

6 (b) File, keep and preserve in a secure place the books required by law;

7 (c) Transcribe and enter immediately upon receipt all registrable
8 documents and judicial decrees affecting the civil status of persons in the
9 appropriate civil registry books;

10 (d) Transmit to the office of the civil registrar-general, within the prescribed
11 period, duplicate copies of registered documents required by law;

12 (e) Issue certified transcripts or copies of any certificate of registered
13 documents upon payment of the prescribed fees to the treasurer;

14 (f) Receive applications for the issuance of a marriage license and, after
15 determining that the requirements and supporting certificates and publication
16 thereof for the prescribed period have been complied with, issue the license
17 upon payment of the authorized fee to the treasurer; and

18 (g) Coordinate with the National Statistics Office in conducting educational
19 campaigns for vital registration and assist in the preparation of demographic
20 and other statistics for the province.

21
22 (C) Exercise such other powers and perform such other duties and functions as may be
23 prescribed by law or ordinance.

24
25 **SECTION 32. *The Provincial Administrator.*** — (A) No person shall be appointed

1 administrator unless he is a citizen of the Philippines, a resident of the province, of good
2 moral character, a holder of a college degree preferably in public administration, law or any
3 related course from a recognized college or university, and a first grade civil service eligible
4 or its equivalent. He must have acquired experience in management and administration work
5 for at least five years. The term of the administrator is coterminous with that of his appointing
6 authority. The appointment of a provincial administrator shall be mandatory.

7
8 (B) The administrator shall take charge of the Office of administrator, and shall:

9
10 (1) Develop plans and strategies and, upon approval thereof by the governor,
11 implement the same, particularly those which have to do with the management and
12 administration-related programs and projects which the governor is empowered to
13 implement and which the sanggunian is empowered to provide for under the Local
14 Government Code of 1991;

15 (2) In addition to the foregoing duties and functions, the administrator shall:

16
17 (a) Assist in the coordination of the work of all the officials of the province
18 under the supervision, direction and control of the governor, and for this
19 purpose, he may convene the chiefs of offices and other officials of the
20 province;

21 (b) Establish and maintain a sound personnel program for the province
22 designed to promote career development and uphold the merit principle in the
23 province; and

24 (c) Conduct a continuing organizational development of the province, with the
25 end in view of instituting effective administrative reforms.

1
2 (3) Be in the frontline of the delivery of administrative support services, particularly
3 those related to the situations during and in the aftermath of man-made and natural
4 disasters and calamities; and

5 (4) Recommend to the sanggunian and advise the governor on all other matters
6 relative to the management and administration of the province.
7

8 (C) Exercise such other powers and perform such other duties and functions as may be
9 prescribed by law or ordinance.
10

11 **SECTION 33. *The Provincial Legal Officer.*** — (A) No person shall be appointed legal
12 officer unless he is a citizen of the Philippines, a resident of the province, of good moral
13 character and a member of the Philippine Bar. He must have practiced his profession for at
14 least five years. The term of the legal officer shall be coterminous with that of his appointing
15 authority. The appointment of a provincial legal officer shall be mandatory.
16

17 (B) The legal officer, the chief legal counsel of the province, shall take charge of the office
18 for legal services, and shall:
19

20 (1) Formulate measures for the consideration of the sanggunian and provide legal
21 assistance and support to the governor in carrying out the delivery of basic services
22 and provision of adequate facilities as provided for under Section 17 of the Local
23 Government Code of 1991;

24 (2) Develop plans and strategies and, upon approval thereof by the governor,
25 implement the same, particularly those which have to do with programs and projects

1 related to legal services which the governor is empowered to implement and which
2 the sanggunian is empowered to provide for under the Local Government Code of
3 1991;

4 (3) In addition to the foregoing duties and functions, the legal officer shall:

5
6 (a) Represent the province in all civil actions and special proceedings wherein
7 the province or any official thereof in his official capacity is a party: *Provided,*
8 That actions or proceedings where a component city or municipality is a party
9 adverse to the provincial government or to another component city or
10 municipality, a special legal officer may be employed to represent the adverse
11 party;

12 (b) When required by the governor or sanggunian, draft ordinances, contracts,
13 bonds, leases and other instruments involving any interest of the province; and
14 provide comments and recommendations on any instrument already drawn;

15 (c) Render his opinion in writing on any question of Law when requested to do
16 so by the governor or the sanggunian;

17 (d) Investigate or cause to be investigated any provincial official or employee
18 for administrative neglect or misconduct in office and recommend appropriate
19 action to the governor or the sangguniang panlalawigan;

20 (e) Investigate or cause to be investigated any person, firm or corporation
21 holding any franchise or exercising any public privilege for failure to comply
22 with any term or condition in the grant of such franchise or privilege and
23 recommend appropriate action to the governor or the sanggunian;

24 (f) When directed by the governor or the sanggunian, initiate and prosecute,
25 in the interest of the province, any civil action on any bond, lease or other

1 contract upon any breach or violation thereof; and
2 (g) Review and submit recommendations on ordinances approved and
3 executive orders issued by component municipalities.
4

(4) Recommend measures to the sangguniang panlalawigan and advise the governor on all other matters related to the upholding of the rule of law; and

(5) Be in the frontline of protecting human rights and prosecuting any violation thereof, particularly those which occur during and in the aftermath of man-made or natural disasters and calamities.

(C) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

SECTION 34. *The Provincial Agriculturist.* — (A) No person shall be appointed agriculturist unless he is a citizen of the Philippines, a resident of the province, of good moral character, a holder of a college degree in agriculture or any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired experience in a related field for at least five years. The appointment of a provincial agriculturist shall be mandatory.

(B) The agriculturist shall take charge of the office for agricultural services, and shall:

(1) Formulate measures for the approval of the sanggunian and provide technical assistance and support to the governor in carrying out said measures to ensure the delivery of basic services and, provision of adequate facilities relative to agricultural services as provided for under Section 17 of the Local Government Code of 1991;

(2) Develop plans and strategies and, upon approval thereof by the governor, implement the same, particularly those which have to do with agricultural programs and projects which the governor is empowered to implement and which the

1 sanggunian is empowered to provide for under the Local Government Code of 1991;

2 (3) In addition to the foregoing duties and functions, the agriculturist shall:

3
4 (a) Ensure that maximum assistance and access to resources in the production,
5 processing and marketing of agricultural and aquacultural and marine products
6 are extended to farmers, fishermen and local entrepreneurs;

7 (b) Conduct or cause to be conducted location-specific agricultural researches
8 and assist in making available the appropriate technology arising out of and
9 disseminating information on basic research on crops, prevention and control
10 of plant diseases and pests, and other agricultural matters which will maximize
11 productivity;

12 (c) Assist the governor in the establishment and extension services of
13 demonstration farms or aquaculture and marine products;

14 (d) Enforce rules and regulations relating to agriculture and aquaculture; and

15 (e) Coordinate with government agencies and nongovernmental organizations
16 which promote agricultural productivity through appropriate technology
17 compatible with environmental integrity.

18
19 (4) Be in the frontline of the delivery of basic agricultural services, particularly those
20 needed for the survival of the inhabitants during and in the aftermath of man-made and
21 natural disasters and calamities; and

22 (5) Recommend to the sanggunian and advise the governor on all matters related to
23 agriculture and aquaculture which will improve the livelihood and living conditions of
24 the inhabitants.

(C) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

SECTION 35. *The Provincial Social Welfare and Development Officer.* - (A) No persons shall be appointed social welfare and development officer unless he is a citizen of the Philippines, a resident of the province, of good moral character, a duly licensed social worker and a holder of a college degree preferably in sociology or any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired experience in the practice of social work for at least five years. The appointment of a provincial social welfare and development officer shall be mandatory.

(B) The social welfare and development officer shall take charge of the office on social welfare and development services, and shall:

(1) Formulate measures for the approval of the sanggunian and provide technical assistance and support to the governor in carrying out measures to ensure the delivery of basic services and provision of adequate facilities relative to social welfare and development services as provided for under Section 17 of the Local Government Code of 1991;

(2) Develop plans and strategies and, **upon** approval thereof by the governor, implement the same, particularly those which have to do with social welfare programs and projects which the governor is empowered to implement and which the sanggunian is empowered to provide for under the Local Government Code of 1991;

(3) In addition to the foregoing duties, the social welfare and development officer shall:

- 1
- 2 (a) Identify the basic needs of the needy, the disadvantaged and the
- 3 impoverished, and develop and implement appropriate measures to alleviate
- 4 their problems and improve their living conditions;
- 5 (b) Provide relief and appropriate crisis intervention for victims of abuse and
- 6 exploitation and recommend appropriate measures to deter further abuse and
- 7 exploitation;
- 8 (c) Assist the governor in implementing the barangay level program for the
- 9 total development and protection of children up to six years of age;
- 10 (d) Facilitate the implementation of welfare programs for the disabled, the
- 11 elderly, the victims of drug addiction, the rehabilitation of prisoners and
- 12 parolees, the prevention of juvenile delinquency and such other activities
- 13 which would eliminate or minimize the ill-effects of poverty;
- 14 (e) Initiate and support welfare programs that will enhance the role of the
- 15 youth in nation-building; and
- 16 (f) Coordinate with government agencies and nongovernmental organizations
- 17 which have for their purpose the promotion and the protection of all needy,
- 18 disadvantaged, underprivileged or impoverished groups or individuals,
- 19 particularly those identified to be vulnerable and high-risk to exploitation,
- 20 abuse and neglect.
- 21

22 (4) Be in the frontline of service delivery, particularly those which have to do with

23 immediate relief during and assistance in the aftermath of man-made and natural

24 disasters and calamities; and

25 (5) Recommend to the sanggunian and advise the governor on all other matters

related to social welfare and development Service which will improve the livelihood and living conditions of the inhabitants.

(C) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

SECTION 36. *The Provincial Environment and Natural Resources Officer.* — (A) No person shall be appointed environment and natural resources officer unless he is a citizen of the Philippines, a resident of the province, of good moral character, a holder or a college degree preferably in environment, forestry, agriculture or any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired experience in environmental and natural resources management, conservation and utilization for at least five years. The appointment of a provincial environment and natural resources officer shall be mandatory.

(B) The environment and natural resources officer shall take charge of the office on environment and natural resources, and shall:

(1) Formulate measures for the consideration of the sanggunian and provide technical assistance and support to the governor in carrying out measures to ensure the delivery of basic services and provision of adequate facilities relative to environment and natural resources services as provided for under Section 17 of the Local Government Code of 1991;

(2) Develop plans and strategies and, upon approval thereof by the governor, implement the same, particularly those which have to do with environment and

1 natural resources programs and projects which the governor is empowered to
2 implement and which the sanggunian is empowered to provide for under the Local
3 Government Code of 1991;

4 (3) In addition to the foregoing duties and functions, the environment and natural
5 resources officer shall:

6
7 (a) Ensure the maximum assistance and access to resources in the production,
8 processing and marketing of agricultural and aquacultural and marine products
9 are extended to farmers, fishermen and local entrepreneurs;

10 (b) Establish, maintain, protect and preserve communal forests, watersheds,
11 tree parks, mangroves, greenbelts, commercial forest and similar forest
12 projects like industrial tree farms and agro-forestry projects;

13 (c) Provide extension services to beneficiaries of forest development projects
14 and technical, financial and infrastructural assistance;

15 (d) Manage and maintain seed banks and produce seedlings for forests and tree
16 parks;

17 (e) Provide extension services to beneficiaries of forest development projects
18 and render assistance for natural resources-related conservation and utilization
19 activities consistent with ecological balance;

20 (f) Promote small-scale mining and utilization of mineral resources,
21 particularly mining of gold; and

22 (g) Coordinate with government agencies and nongovernmental organizations
23 in the implementation of measures to prevent and control land, air and water
24 pollution with the assistance of the Department of Environment and Natural
25 Resources.

(4) Be in the frontline of the delivery of basic services concerning the environment and natural resources, particularly in the renewal and rehabilitation of the environment during and in the aftermath of man-made and natural disasters and calamities; and

(5) Recommend to the sanggunian and advise the governor on all matters related to the protection, conservation, maximum utilization, application of appropriate technology and other matters related to the environment and natural resources.

(C) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

SEC. 37. *The Provincial Veterinarian.* — (A) No person shall be appointed veterinarian unless he is a citizen of the Philippines, a resident of the province, of good moral character and a licensed doctor of veterinary medicine. He must have practiced his profession for at least three years.

The appointment of a provincial veterinarian shall be mandatory.

(B) The veterinarian shall take charge of the office for veterinary services, and shall:

(1) Formulate measures for the consideration of the sanggunian and provide technical assistance and support to the governor in carrying out measures to ensure the delivery of basic services and provision of adequate facilities pursuant to Section 17 of the Local Government Code of 1991;

(2) Develop plans and strategies. and, upon approval thereof

by the governor, implement the same, particularly those which have to do with veterinary-related activities which the governor is empowered to implement and which the sanggunian is empowered to provide for under the Local Government Code of 1991;

(3) In addition to the foregoing duties and functions the provincial veterinarian shall:

(a) Advise the governor on all matters pertaining to the slaughter of animals for human consumption and regulation of slaughterhouses;

(b) Regulate the keeping of domestic animals;

(c) Regulate and inspect poultry, milk and dairy products for public consumption;

(d) Enforce all laws and regulations for the prevention of cruelty to animals; and

(e) Take the necessary measures to eradicate, prevent, or cure all forms of animal diseases.

(4) Be in the frontline of veterinary-related activities, such as in the outbreak of highly contagious and deadly diseases and in situations resulting in the depletion of animals for work and human consumption, particularly those arising from and in the aftermath of man-made and natural disasters and calamities; and

(5) Recommend to the sanggunian and advise the governor on all other matters relative to veterinary services which will increase the number and improve the quality of livestock, poultry and other domestic animals used for work or human consumption.

(C) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

SECTION 38. *The Provincial General Services Officer.* — (A) No person shall be appointed general services officer unless he is a citizen of the Philippines, a resident of the province, of good moral character, a holder of a college degree in public administration, business administration or management from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired experience in general services, including management of supply, property, solid waste disposal and general sanitation for at least five years. The appointment of a provincial general services officer shall be mandatory.

(B) The general services officer shall take charge of the office of general services, and shall:

(1) Formulate measures for the consideration of the sanggunian and provide technical assistance and support to the governor in carrying out measures to ensure the delivery of basic services and provision of adequate facilities pursuant to Section 17 of the Local Government Code of 1991, and those which require general services expertise and technical support services;

(2) Develop plans and strategies and, upon approval thereof by the governor, implement the same, particularly those which have to do with general services supportive to the welfare of the inhabitants which the governor is empowered to implement and which the sanggunian is empowered to provide for under the Local Government Code of 1991;

(3) In addition to the foregoing duties and functions, the general services officer shall:

1
2 (a) Take custody of and be accountable for all properties, real or personal,
3 owned by the provincial government and those granted to it in the form of
4 donation, reparation, assistance and counterpart of joint projects;

5 (b) With the approval of the governor, assign building or land space to
6 provincial officials or other public officials, who by law, are entitled to such
7 space;

8 (c) Recommend to the governor the reasonable rental rates for local
9 government properties, whether real or personal, which will be leased to
10 public or private entities by the provincial government;

11 (d) Recommend to the governor the reasonable rental rates of private
12 properties which may be leased for the official use of the provincial
13 government;

14 (e) Maintain and supervise janitorial, security, landscaping and other related
15 services in all local government public buildings and other real property,
16 whether owned or leased, by the provincial government;

17 (f) Collate and disseminate information regarding prices, shipping and other
18 costs of supplies and other items commonly used by the provincial
19 government;

20 (g) Perform archival and record management with respect to records of
21 offices and departments of the province; and

22 (h) Perform all other functions pertaining to supply and property management
23 heretofore performed by the local government treasurer, and enforces policies
24 on records creation, maintenance and disposal.

(4) Be in the frontline of general services-related activities, such as the possible or imminent destruction or damage to records, supplies, properties and structures, and the orderly and sanitary clearing up of waste materials or debris, particularly during and in the aftermath of man-made and natural disasters and calamities; and

(5) Recommend to the sanggunian and advise the governor on all matters relative to general services.

(C) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

SECTION 39. *The Provincial cooperatives Officer.* — (A) No person shall be appointed cooperatives officer unless he is a citizen of the Philippines, a resident of the province, of good moral character, a holder of a college degree preferably in business administration course with special training in cooperatives or any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired experience in cooperatives organization and management for at least five years. The appointment of a provincial cooperatives officer shall be mandatory.

(B) The cooperatives officer shall take charge of the office for the development of cooperatives, and shall:

(1) Formulate measures for the consideration of the sanggunian and provide technical assistance and support to the governor in carrying out measures to ensure the delivery of basic services and provision of adequate facilities through the development of cooperatives, and in providing access to such services and facilities;

1 (2) Develop plans and strategies and, upon approval thereof, by the governor,
2 implement the same, particularly those which have to do with integration of
3 cooperatives principles and methods in programs which the governor is empowered to
4 implement and which the sanggunian is empowered to provide for under the Local
5 Government Code of 1991;

6 (3) In addition to the foregoing duties and functions, the cooperatives officer shall:
7

8 (a) Assist in the organization of cooperatives;

9 (b) Provide technical and other forms of assistance to existing cooperatives to
10 enhance their viability as an economic enterprise and social organization; and

11 (c) Assist cooperatives in establishing linkages with government agencies and
12 nongovernmental organizations involved in the promotion and integration of
13 the concept of cooperatives in the livelihood of the people and other
14 community activities.
15

16 (4) Be in the frontline of cooperatives organization, rehabilitation or viability
17 enhancement, particularly during and in the aftermath of man-made and natural
18 disasters and calamities, to aid in their survival and, if necessary, subsequent
19 rehabilitation; and

20 (5) Recommend to the sanggunian and advise the government on all other matters
21 relative to cooperatives development and viability enhancement which will improve
22 the livelihood and quality of life of the inhabitants.
23

24 (C) Exercise such other powers and perform such other duties and functions as may be
25 prescribed by law or ordinance.
26

SECTION 40. *The Provincial Architect.* (A) No person shall be appointed architect unless he is a citizen of the Philippines, a resident of the province, of good moral character and a duly licensed architect. He must have practiced his profession for at least five years. The appointment of a provincial architect shall be optional.

(B) The architect shall take charge of the office on architectural planning and design, and shall:

(1) Formulate measures for the consideration of the sanggunian and provide technical assistance and support to the governor in carrying out measures to ensure the delivery of basic services and provision of adequate facilities relative to architectural planning and design as provided for under Section 17 of the Local Government Code of 1991;

(2) Develop plans and strategies and, upon approval thereof by the governor, implement the same, particularly those which have to do with architectural planning and design programs and projects which the governor is empowered to implement and which the sanggunian is empowered to provide for under the Local Government Code of 1991;

(3) In addition to the foregoing duties and functions, the architect shall:

(a) Prepare and recommend for consideration of the sanggunian the architectural plan and design for the province or a part thereof, including the renewal of slums and blighted areas, land reclamation activities, the greening of land, and appropriate planning of marine and foreshore areas;

(b) Review and recommend for appropriate action of the sanggunian and the governor the architectural plan and design submitted by governmental and

nongovernmental entities or individuals, particularly those for undeveloped, underdeveloped and poorly-designed areas; and

(c) Coordinate with government agencies and nongovernmental entities and individuals involved in the aesthetics and the maximum utilization of the land and water within the jurisdiction of the province, compatible with environmental integrity and ecological balance.

(4) Be in the frontline of the delivery of basic services involving architectural planning and design, particularly those related to the redesigning of spatial distribution of basic facilities and physical structures during and in the aftermath of man-made and natural calamities and disasters; and

(5) Recommend to the sanggunian and advise the governor on all other matters related to architectural planning and design as it relates to the total socioeconomic development of the province.

(C) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

SECTION 41. *The Provincial Population Officer.* — (A) No person shall be appointed population officer unless he is a citizen of the Philippines, a resident of the province, of good moral character, a holder of a college degree with specialized training in population development from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired experience in the implementation of programs on population development or responsible parenthood for at least five years. The appointment of a provincial population officer shall be optional.

B) The population officer shall take charge of the office on population development, and shall:

(1) Formulate measures for the consideration of the sanggunian and provide technical assistance and support to the governor in carrying out measures to ensure the delivery of basic services and provision of adequate facilities relative to the integration of the population development principles and in providing access to said services and facilities;

(2) Develop plans and strategies and, upon approval thereof by the governor, implement the same, particularly those which have to do with the integration of population development principles and methods in programs and projects which the governor is empowered to implement and which the sanggunian is empowered to provide for under the Local Government Code of 1991;

(3) In addition to the foregoing duties and functions, the population officer shall:

(a) Assist the governor in the implementation of the constitutional provisions relative to population development and the promotion of responsible parenthood;

(b) Establish and maintain an updated data bank for program operations, development planning and an educational program to ensure the people's participation in and understanding of *population* development; and

(c) Implement appropriate training programs responsive to the cultural heritage of the inhabitants.

1
2 (C) Exercise such other powers and perform such other duties and functions as may be
3 prescribed by law or ordinance.
4

5 **SECTION 42. *The Provincial Information Officer.*** — (A) No person shall be appointed
6 information officer unless he is a citizen of the Philippines, a resident of the province, of
7 good moral character, a holder of a college degree preferably in journalism, mass
8 communications or any related course from a recognized college or university, and a first
9 grade civil service eligible or its equivalent. He must have acquired experience in writing
10 articles and research papers, or in writing for print, television or broadcast media for at least
11 three years. The appointment of a provincial information officer shall be optional.
12

13 (B) The information officer shall take charge of the office on public information, and shall:
14

15 (1) Formulate measures for the consideration of the sanggunian and provide technical
16 assistance and support to the governor in providing the information and research data
17 required for the delivery of basic services and provision of adequate facilities so that
18 the public becomes aware of said services and may fully avail of the same;

19 (2) Develop plans and strategies and, upon approval thereof by the governor,
20 implement the same, particularly those which have to do with public information and
21 research data to support the programs and projects which the governor is empowered
22 to implement and which the sanggunian is empowered to provide for under the Local
23 Government Code of 1991;

24 (3) In addition to the foregoing duties and functions, the information officer shall:

- 1
- 2 (a) Provide relevant, adequate and timely information to the provincial
- 3 government and its residents;
- 4 (b) Maintain effective liaison with the various sectors of the community on
- 5 matters and issues that affect the livelihood and the quality of life of the
- 6 inhabitants and encourage support for programs of the local and national
- 7 government;
- 8 (c) Assist the governor in the establishment, maintenance and promotion of
- 9 local area tourism programs and projects; and
- 10 (d) Furnish information and data of the province to government agencies or
- 11 offices as may be required by law or ordinance and nongovernmental
- 12 organizations to be furnished to said agencies and organizations.
- 13

14 (4) Be in the frontline in providing information during and in the aftermath of man-

15 made and natural disasters and calamities, with special attention to the victims

16 thereof, to help minimize injuries and casualties during and after the emergency, and

17 accelerate relief and rehabilitation; and

18 (5) Recommend to the sanggunian and advise the governor on all other matters

19 relative to public information and research data as it relates to the total socioeconomic

20 development of the province.

21

22 (C) Exercise such other powers and perform such other duties and functions as may be

23 prescribed by law or ordinance.

24

25 **ARTICLE VIII**

1 **THE PROVINCIAL FIRE STATION, THE PROVINCIAL JAIL,**
2 **THE PROVINCIAL SCHOOL DIVISION, THE PROVINCIAL**
3 **PROSECUTION SERVICE AND THE PROVINCIAL**
4 **ENGINEERING DISTRICT**

5
6 **SECTION 43. *The Provincial Fire Station Service.*** — (A) There shall be established in the
7 Province of Northwestern Samar at least five fire stations with adequate personnel, fire
8 fighting facilities and equipment, by the Department of the Interior and Local Government
9 (DILG) within two months upon the commencement of the corporate existence of the new
10 province. The provincial government shall provide the necessary land or sites of the
11 provincial fire stations.

12
13 (B) The provincial fire station service shall be headed by a provincial fire marshal whose
14 qualifications shall be as those provided for under Republic Act No. 6975, otherwise known
15 as the Philippine National Police Law.

16
17 (C) The provincial fire stations shall be responsible for the protection and various emergency
18 services such as rescue and evacuation of injured people at fire-related incidents and, in
19 general, fire prevention and suppression measures to secure the safety of life and property of
20 the citizenry.

21
22 **SECTION 44. *The Provincial Jail Service.*** — (A) There shall be established and
23 maintained in the Province of Northwestern Samar, within two months from the
24 commencement of the corporate existence of the province, by the DILG a secured, clean,
25 adequately equipped and sanitary jail facility for the custody and safekeeping of prisoners,

1 any fugitive from justice, or person detained awaiting investigation or trial and/or transfer to
2 the national penitentiary, and/or violent mentally ill person who endangers himself or the
3 safety of others, duly certified as such by the proper medical health officer, pending the
4 transfer to a mental institution.

5
6 (B) The provincial jail service shall be headed by a provincial jail warden who must be a
7 graduate of a four year course in psychology, psychiatry, sociology, nursing, social work or
8 criminology who shall assist in the immediate rehabilitation of individuals or detention of
9 prisoners. Great care must be exercised so that human rights of these prisoners are respected
10 and protected, and their spiritual and physical wellbeing are properly and promptly attended
11 to.

12
13 **SECTION 45. *The Northwestern Samar Provincial School Division.*** —(A) The
14 Department of Education shall, within two months from the commencement of the corporate
15 existence of the province herein created, establish and maintain a separate school division in
16 the Province of Northwestern Samar whose jurisdiction shall cover the municipalities under
17 the lone legislative district of the province.

18
19 (B) The provincial school division shall be headed by a division superintendent who must
20 possess the necessary qualifications required by the Department of Education.

21
22 **SECTION 46. *The Provincial Prosecution Service.*** — (A) There shall be established and
23 maintained in the Province of Northwestern Samar a prosecution service by the Department
24 of Justice (DOJ), within two months from the commencement of the corporate existence of
25 the province herein created, which shall be headed by a provincial prosecutor and such

1 number of assistant prosecutors as may be necessary, who shall be organizationally part of
2 the DOJ, and under the supervision and control of the Secretary of the DOJ, and whose
3 qualifications, manner of appointment, rank, salary and benefits shall be governed by existing
4 laws covering prosecutors in the DOJ.

5
6 (B) The provincial prosecutor shall handle the criminal prosecution in the municipal trial
7 courts in the province as well as in the regional trial courts for criminal cases originating in
8 the territory of the province, and shall render to and for the province such other services as
9 are required by law or regulation of the DOJ. The regional trial courts and other courts under
10 the DOJ of adjoining municipalities shall continue to try crimes and misdemeanors
11 committed within the jurisdiction of the new province. The court first taking jurisdiction of
12 such offense shall thereafter retain exclusive jurisdiction thereof.

13
14 **SECTION 47. *The Northwestern Samar Provincial Engineering District.*** — There shall
15 be established and maintained by the Department of Public Works and Highways (DPWH) a
16 separate and independent highway engineering district for the Province of Northwestern
17 Samar, within two months from the commencement of the corporate existence of the
18 province herein created, which shall be headed by a district engineer and such number
19 of assistant district engineers as may be necessary, who shall be organizationally part of the
20 DPWH, and under the supervision and control of the Secretary of the DPWH, and whose
21 qualifications, manner of appointment, rank, salary and benefits shall be governed by existing
22 laws.

1 **ARTICLE IX**

2 **TRANSITORY AND FINAL PROVISIONS**

3
4 **SECTION 48. *Plebiscite.*** — The Province of Northwestern Samar shall be created, as
5 provided for in this Act, upon approval by a majority of the votes cast by the voters of the
6 Province of Samar in a plebiscite to be conducted and supervised by the Commission on
7 Elections within thirty (30) days from the date of the effectivity of this Act. The amount
8 necessary for the conduct of the plebiscite shall be charged to the appropriation of the
9 Province of Samar and Calbayog City and the nine (9) municipalities being proposed to
10 comprise the Province of Northwestern Samar.

11
12 **SECTION 49. *Commencement of Corporate Existence.*** — The Province of Northwestern
13 Samar shall commence its corporate existence upon the election and qualification of the
14 governor, vice governor and majority of the members of the sangguniang panlalawigan.

15
16 **SECTION 50. *Officials of the Province of Northwestern Samar.*** — (A) The first set of
17 elective officials of the Province of Northwestern Samar shall be elected in the next local
18 elections following the effectivity of this Act. The President of the Philippines shall appoint
19 an interim governor, vice governor and members of the sangguniang panlalawigan, who shall
20 serve only until a new set of provincial officials have been elected and qualified.

21
22 (B) The incumbent congressional representatives of the present Province of Samar shall
23 continue to represent their respective legislative districts until the expiration of their term of
24 office.

1
2 **SECTION 51. *Organization of the Provincial Government.*** All provincial appointive
3 positions in the Province of Northwestern Samar as enumerated in Section 8 hereof shall be
4 filled within sixty (60) days after the commencement of corporate existence of the province,
5 as provided for in Section 49 hereof. This shall be done without prejudice to the officials and
6 employees of the present Province of Samar who may wish to serve in the Province of
7 Northwestern Samar.

8
9 **SECTION 52. *Suspension of Increase in Rates of Local Taxes.*** — No increase in the rates
10 of local taxes shall be imposed by the province within the period of five years from its
11 acquisition of corporate existence. Notwithstanding any existing law or ordinance to the
12 contrary, real property tax in the locality shall not be increased within five years upon its
13 creation into a new province.

14
15 **SECTION 53. *Proportionate Division.*** — Upon the commencement of corporate existence
16 of the new province, the obligations, funds, assets and other properties of the present
17 Province of Samar shall be divided proportionately between the Province of Samar and the
18 Province of Northwestern Samar by the President of the Philippines upon the
19 recommendation of the Commission on Audit.

20
21 **SECTION 54. *Applicability of Laws.*** — The provisions of Republic Act No. 7160,
22 otherwise known as the Local Government Code of 1991, and other laws as are applicable to
23 provinces shall govern the Province of Northwestern Samar insofar as they are not
24 inconsistent with the provisions of this Act.

1

2 **SECTION 55. *Separability Clause.*** — If any part of this Act is declared invalid or
3 unconstitutional, the other parts or provisions hereof shall remain valid and effective.

4

5 **SECTION 56. *Effectivity.*** — This Act shall take effect fifteen (15) days after its
6 publication in at least two (2) national newspapers of general circulation.

7

8 Approved,