

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

Eighteenth Congress  
Second Regular Session

House Bill No. 9282



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**Introduced by REP. TEODORICO “NONONG” TUMBOCON HARESCO**

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AN ACT  
CONVERTING THE MUNICIPALITY OF MALAY IN THE PROVINCE OF AKLAN INTO  
A COMPONENT CITY TO BE KNOWN AS THE CITY OF MALAY

**EXPLANATORY NOTE**

This Bill seeks to convert the Municipality of Malay in the Province of Aklan into a component city to be known as the City of Malay.

The Municipality of Malay is a first class municipality and the tourism capital of the Province of Aklan. It is composed of seventeen (17) barangays encompassing a total land area of 5,184.78 hectares including the Island of Boracay and other nearby islands. Based on 2015 census data, Malay has a recorded population of 52,973 inhabitants. It has an Annual Average Income (AAI) of P169.832 million for the fiscal years 2018 and 2019 as certified by the DBM.

In accordance with R.A. 7160 or the 1991 Local Government Code, as amended, the Municipality of Malay possesses the minimum requirements for cityhood. It has an annual income above P100 million, and is exempted from the land area requirement as it is comprised of two (2) or more islands, as certified by the DENR-Land Management Bureau.

As home to the world-famous Boracay Island, the Municipality of Malay is known for its vibrant tourism industry. In 2019, Boracay tourism alone generated a total revenue of P62.31 billion from its 2,034,599 tourist arrivals, an increase of 116 percent from the previous year. In 2017, P357 million or about 90 percent of Malay's local revenue came from Boracay, comprising of fees from business and building permits, and environmental and terminal fees. In 2019, Malay ranked as top 9 among all the municipalities in the Philippines in terms of local revenue collections amounting to P365,723,937, and was awarded a Certificate of Achievement by the Bureau of Local Government and Finance.

Apart from its strong revenue-generating industries, the readiness of Malay for cityhood is exhibited by its commitment to sustainable development while consistently providing the basic socioeconomic services for its people, ranging from

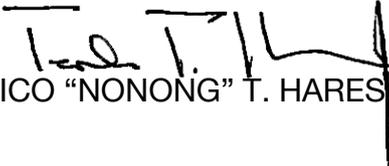
healthcare, education, housing, food security, peace and order, disaster risk reduction and response, and basic infrastructure development.

Malay's decisive handling of the recent challenges it faced also serves as a testament to its preparedness for greater autonomy. In 2018, during the 6-month closure and rehabilitation of Boracay Island as ordered by the President, the Municipality of Malay, together with the Boracay Inter-agency Task Force, acted swiftly in implementing the Boracay Action Plan involving aggressive pollution control and prevention measures, and ecosystem recovery and rehabilitation. Consistent social service support was also provided to affected families, industries and labor force.

In 2020, the COVID-19 Pandemic halted Boracay's tourism industry, resulting in sudden rise in unemployment. The Municipality of Malay, through its strong cooperation with the National Government, acted swiftly in establishing health safety protocols and providing food assistance to families and livelihood assistance to affected workers of the tourism sector. Through this, Boracay Island was one of the first tourist destinations to reopen after the onset of the COVID-19 Pandemic.

The conversion of the Municipality of Malay into a component city of the Province of Aklan will enhance its potential and capability to attract additional local and international investments, further propelling its economic growth and development and upgrading social services delivery for its people.

In view of the foregoing, the approval of this Bill is earnestly sought.

  
TEODORICO "NONONG" T. HARESCO, JR.

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**AN ACT**  
**CONVERTING THE MUNICIPALITY OF MALAY IN THE PROVINCE OF AKLAN**  
**INTO A COMPONENT CITY TO BE KNOWN AS THE CITY OF MALAY**

ARTICLE I

GENERAL PROVISIONS

SECTION 1. *Title.* – This Act shall be known as the “Charter of the City of Malay”.

SEC. 2. *The City of Malay.* – The Municipality of Malay shall be converted into a component city to be known as the City of Malay, hereinafter referred to as the City, which shall comprise the present territory of the Municipality of Malay, Province of Aklan.

The territorial jurisdiction of the City shall be within the present metes and bounds of the Municipality of Malay, including the Island of Boracay and other surrounding islands and islets.

The foregoing provision shall be without prejudice to the resolution by the appropriate agency or forum of any boundary dispute or case involving questions of territorial jurisdiction between the City of Malay and the adjoining local government units (LGUs): *Provided,* That the territorial jurisdiction of the disputed area or areas shall remain with the local government unit which has existing administrative supervision over said area or areas until the final resolution of the case.

SEC. 3. *Corporate Powers of the City.* – The City constitutes a political body corporate and as such is endowed with the attributes of perpetual succession and possessed of the powers which pertain to a municipal corporation to be exercised in conformity with the provisions of this Charter. The City shall have the following corporate powers:

- (a) To have a continuous succession in its corporate name;
- (b) To sue and be sued;

- (c) To have and use a corporate seal;
- (d) To acquire, hold and convey real or personal property;
- (e) To enter into any contract and/or agreement; and
- (f) To exercise such other powers, prerogatives or authority subject to the limitations provided in this Act or other laws.

SEC. 4. *General Powers.* – The City shall have a common seal and may alter the same at pleasure: *Provided*, that any change of corporate seal shall be registered with the Department of the Interior and Local Government (DILG). It shall exercise the powers to levy taxes, fees and charges; to close and open roads, streets, alleys, parks or squares; to take, purchase, receive, hold, lease, convey and dispose of real and personal property for the general interests of the City; to expropriate or condemn private property for public use; to contract and to be contracted with; to sue and be sued; to prosecute and defend to final judgment and execution, suits wherein the City is involved or interested in; and to exercise all the powers as are granted to corporations or as hereinafter conferred.

SEC. 5. *Liability for Damages.* – The City and its officials shall not be exempt from liability for death or injury to persons or damage to property.

SEC. 6. *Jurisdiction of the City.* – The jurisdiction of the City, for police purposes only, shall be coextensive with its territorial jurisdiction and, for the purpose of protecting and ensuring the purity of the water supply of the City, such police jurisdiction shall also extend over all the territory within the drainage area of such water supply, or within one hundred meters (100 m.) of any reservoir, conduit, canal, aqueduct or pumping station used in connection with the city water service.

The city court of the City of Malay shall have concurrent jurisdiction with the city or municipal court of the adjoining municipalities or cities, to try crimes and misdemeanors committed within said drainage area or within said spaces of one hundred meters (100 m.).

The court first taking cognizance of such an offense shall have jurisdiction to try cases to the exclusion of others. The police forces of several municipalities and cities concerned shall have concurrent jurisdiction with the police forces of the City for the maintenance of good order and the enforcement of ordinances throughout said zone, area or space. But any license that maybe issued within said zone, area or space shall be granted by the proper authorities of the city or municipality concerned, and the fees arising therefrom shall accrue to the treasury of the said city or municipality concerned and not to the City.

## ARTICLE II

### CITY OFFICIALS IN GENERAL

SEC. 7. *The Officials of the City of Malay.* – (a) There shall be in the City of Malay: a City Mayor, a City Vice Mayor, *Sangguniang Panlungsod* members, a secretary to the *Sangguniang Panlungsod*, a city treasurer, a city assessor, a city accountant, a city budget officer, a city planning and development officer, a city engineer, a city health officer, a city civil registrar, a city administrator, a city legal officer, a city social welfare and development officer, a city veterinarian and a city general services officer.

(b) In addition thereto, the City Mayor may appoint a city environment and natural resources officer, a city architect, a city information officer, a city cooperatives officer, a city population officer and a city agriculturist.

(c) There shall be established in the City a city fire station to be headed by a city fire marshal, a city jail to be headed by a city jail warden, a city schools division to be headed by a city schools division superintendent and a city prosecution service to be headed by a city prosecutor.

(d) The *Sangguniang Panlungsod* 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 City; or

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

(e) Unless otherwise provided herein, heads of departments and offices shall be appointed by the City Mayor with the concurrence of the majority of all the *Sangguniang Panlungsod* members, subject to civil service laws, rules and regulations. The *Sangguniang Panlungsod* shall act on the appointment within fifteen (15) days from the day of its submission, otherwise the same shall be deemed confirmed.

(f) Elective and appointive city officials shall receive such compensation, allowances and other emoluments as may be determined by law or ordinance, subject to the budgetary limitations on personal services prescribed under Title Five, Book II of the Local Government Code of 1991, as amended: *Provided*, That no increase in compensation of the City Mayor, City Vice Mayor and *Sangguniang Panlungsod* member shall take effect until after the expiration of the full term of the local officials approving the increase.

## ARTICLE III

### THE CITY MAYOR AND CITY VICE MAYOR

SEC. 8. *The City Mayor.* – (a) The City Mayor shall be the chief executive of the City and shall be elected at large by the qualified voters of the City. No person shall be eligible for the position of City Mayor unless, at the time of the election, that person is a citizen of the Philippines, at least twenty-one (21) years of age, a resident of the City for at least one (1) year prior to election and a qualified voter therein, and able to read and write Filipino or any other local language or dialect. The City Mayor shall hold office for three (3) years, unless sooner removed, but shall serve for not more than three (3) consecutive terms in the same position. The City Mayor shall receive a minimum monthly compensation corresponding to Salary Grade Thirty (30) as prescribed under Republic Act No. 6758, otherwise known as the “Compensation and Position Classification Act of 1989” and the implementing guidelines issued pursuant thereto.

The City Mayor, as the chief executive of the city government, shall exercise such powers and perform such duties and functions as provided herein.

(b) For efficient, effective and economical governance, the purpose of which is the general welfare of the City and its inhabitants, the City Mayor shall:

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

(i) Determine the guidelines of city policies and be responsible to the *Sangguniang Panlungsod* for the program of government;

(ii) Direct the formulation of the city development plan, with the assistance of the city development council and, upon approval thereof by the *Sangguniang Panlungsod*, implement the same;

(iii) Present the program of government and propose policies and projects for the consideration of the *Sangguniang Panlungsod* at the opening of the regular session of the *Sangguniang Panlungsod* every calendar year and as often as may be deemed necessary as the general welfare of the inhabitants and the needs of the city government may require;

(iv) Initiate and propose legislative measures to the *Sangguniang Panlungsod* and, as often as may be deemed necessary, provide such information and data needed or requested by said *Sanggunian* in the performance of its legislative functions;

(v) Appoint all officials and employees whose salaries and wages are wholly or mainly paid out of city funds and whose appointments are not otherwise provided for in this Act, and those whose appointment may be authorized under other laws;

(vi) Represent the City in all its business transactions and sign on its behalf all bonds, contracts and obligations, and other documents upon the authority of the *Sangguniang Panlungsod* or pursuant to law or ordinance;

(vii) Carry put emergency measures as may be necessary during and in the aftermath of man-made and natural disasters and calamities;

(viii) Determine the time, manner and place of payment of salaries or wages of the officials and employees of the City, in accordance with law or ordinance;

(ix) Allocate and assign office space-to the City and other officials and employees who, by law or ordinance, are entitled to space in the city hall and other buildings owned or leased by the city government;

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

(xi) Examine the books, records and other documents of all offices, officials, agents or employees of the City and, in aid of executive powers and authority, require all national officials and employees stationed in or assigned to the City to make available books, records and other documents in their custody, except those classified by law as confidential;

(xii) Furnish copies of executive orders issued to the Provincial Governor within seventy-two (72) hours after their issuance;

(xiii) Visit component barangays of the City at least once every six (6) months to deepen understanding of the problems and conditions, listen and give appropriate counsel to local officials and inhabitants, inform the component barangay officials and inhabitants of general laws and ordinances which especially concern them, and otherwise conduct visits and inspections to ensure that the governance of the City will improve the quality of life of the inhabitants;

(xiv) Act on leave applications of officials and employees appointed and on the commutation of the monetary value of their leave credits in accordance with law;

(xv) Authorize official trips of city officials and employees outside of the City for a period not exceeding thirty (30) days: *Provided*, That the trips abroad or for a longer period may be authorized in accordance with the Local Government Code of 1991, as amended;

(xvi) Call upon any national official or employee stationed in or assigned to the City for advice on matters affecting the City and to make recommendations thereon; coordinate with the officials and employees in the formulation and the implementation of plans, programs and projects; and, when appropriate, initiate an administrative or

Judicial action against a national government official or employee who may have committed an offense in the performance of official duties while stationed in or assigned to the City;

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

(xviii) Solemnize marriages, any provision of law to the contrary notwithstanding;

(xix) Conduct an annual palaring panlungsod which shall feature traditional sports and disciplines included in national and international games, in coordination with the Department of Education (DepED); and

(xx) Submit to the provincial governor the following reports: an annual report containing a summary of all matters pertinent to the management, administration and development of the City and all information and data relative to its political, social and economic conditions; and supplemental reports when unexpected events and situations arise at any time during the year, particularly when man-made and natural disasters or calamities affect the general welfare of the City.

(2) Enforce all laws and ordinances relative to the governance of the City and in the exercise of its appropriate corporate powers provided for under the Local Government Code of 1991, as amended, as well as implement all approved policies, programs, projects, services and activities of the City; and, in addition, shall:

(i) Ensure that the acts of the City's component barangays and of its officials and employees are within the scope of their prescribed powers, duties and functions;

(ii) Call conventions, conferences, seminars or meetings of elective and appointive officials of the City, including provincial officials and national officials and employees stationed in or assigned to the City, at such time and place and on subject as may be deemed important for the promotion of the general welfare of the local government unit and its inhabitants;

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

(iv) Be entitled to carry the necessary firearms within the territorial jurisdiction;

(v) Act as the deputized representative of the National Police Commission, formulate the peace and order plan of the City and, upon its approval, implement the same, and as such, exercise general and operational control and supervision over police forces in the City in accordance with Republic Act No, 6975, otherwise known as the "Department of the Interior and Local Government Act of 1990"; and

(vi) Call upon the appropriate law enforcement agencies to suppress disorder, riot, lawless violence, rebellion, sedition, or apprehend violators of the law when public

interest so requires and the city police forces 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, program objectives and priorities, as provided for under the Local Government Code of 1991, as amended, particularly those resources and revenues programmed for agro-industrial development and countryside growth and progress and, relative thereto, shall:

(i) Require each head of an office or department to prepare and submit an estimate of appropriations for the ensuing calendar year, in accordance with the budget preparation process enshrined under Republic Act No. 7160, otherwise known as the “Local Government Code of 1991”, as amended;

(ii) Prepare and submit to the *Sanggunian* for approval the executive and supplemental budgets of the City for the ensuing calendar year in the manner provided for under the Local Government Code of 1991, as amended;

(iii) Ensure that all taxes and other revenues of the City are collected, and that city funds are applied to the payment of expenses and the settlement of obligations of the City, in accordance with law or ordinance;

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

(v) Issue permits, without need of approval therefor from any national agency, for the holding of activities for any charitable or welfare purpose, excluding prohibited games of chance or shows contrary to law, public policy and public morals;

(vi) Require owners of illegally constructed houses, buildings or other structures to obtain the necessary permits, subject to fines and penalties as may be imposed by law or ordinance, or to make necessary changes in the construction of the same when said construction violates any law or ordinance, or to order the demolition or removal of house, building or structure within the period prescribed by law or ordinance;

(vii) Adopt adequate measures to safeguard and conserve land, mineral, marine, forest and other resources of the City;

(viii) Provide efficient and effective property and supply management in the City and protect the funds, credits, rights and other properties of the City; and

(ix) Institute or cause to be instituted administrative or judicial proceedings for violation of ordinances in the collection of taxes, fees and charges, and for the recovery of funds and property; and cause the City to be defended against all suits to ensure that its interests, resources and rights shall be adequately protected.

(4) Ensure the delivery of basic services and the provision of adequate facilities and, in addition thereto, shall:

(i) Ensure that the construction and repair of roads and highways funded by the national government shall be carried out, as far as practicable, in a spatially contiguous manner and in coordination with the construction and repair of the roads and bridges of the City; and

(ii) Coordinate the implementation of technical services, including public works and infrastructure programs, rendered by national and provincial offices; and

(5) Perform such other duties and functions and exercise such other powers as provided for under the Local Government Code of 1991, as amended, and those that are prescribed by law or ordinance.

(c) During the incumbency, the City Mayor shall hold office in the city hall.

SEC. 9. *The City Vice Mayor.* – (a) There shall be a City Vice Mayor who shall be elected in the same manner as the City Mayor and shall, at the time of the election, possess the same qualifications as the City Mayor. The City Vice Mayor shall hold office for three (3) years, unless sooner removed, and shall receive a monthly compensation corresponding to Salary Grade Twenty-six (26) as prescribed under the “Compensation and Position Classification Act of 1989” and the implementing guidelines issued pursuant thereto.

(b) The City Vice Mayor shall:

(1) Be the presiding officer of the *Sangguniang Panlungsod* and sign all warrants drawn on the City Treasury for all expenditures appropriated for the operation of the *Sangguniang Panlungsod*;

(2) Subject to civil service law, rules and regulations appoint all officials and employees of the *Sangguniang Panlungsod*, except those whose manner of appointment is specifically provided for under the Local Government Code of 1991, as amended;

(3) Assume the office of the City Mayor for the unexpired term of the latter in the event of permanent vacancy as provided for under the Local Government Code of 1991, as amended;

(4) Exercise the powers and perform the duties and functions of the City Mayor in case of temporary vacancy as provided for under the Local Government Code of 1991, as amended; and

(5) Perform other duties and functions and exercise other powers as provided for under the Local Government Code of 1991, as amended, and those that are prescribed by law or ordinance.

## ARTICLE IV

### THE SANGGUNIANG PANLUNGSOD

SEC. 10. *Composition.* – (a) The *Sangguniang Panlungsod*, the legislative body of the City, shall be composed of the City Vice Mayor as the presiding officer, the ten (10) regular sanggunian members, the president of the city chapter of the liga ng mga barangay, the president of the Panlungsod na Pederasyon ng mga Sangguniang Kabataan and the three (3) sectoral representatives, as members, who shall come from the following sectors: one (1) from the women sector; and, as shall be determined by the *Sangguniang Panlungsod* within ninety (90) days prior to the holding of the local elections, one (1) from the agricultural or industrial workers sector; and one (1) from the other sectors, including urban poor, indigenous cultural communities or persons with disabilities (PWDs).

(b) The regular members of the *Sangguniang Panlungsod* and sectoral representatives shall be elected in the manner as may be provided by law.

(c) The members of the *Sangguniang Panlungsod* of the City of Malay shall receive a minimum monthly compensation corresponding to Salary Grade Twenty-five (25) as prescribed under the “Compensation and Position Classification Act of 1989” and the implementing guidelines issued pursuant thereto.

SEC. 11. *Powers, Duties, Functions and Compensation.* – (a) The *Sangguniang Panlungsod*, as the legislative body of the City, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the City and its inhabitants pursuant to Section 16 of the Local Government Code of 1991, as amended, and in the proper exercise of the corporate powers of the City as provided for under Section 22 of the Local Government Code of 1991, as amended, and shall:

(1) Approve ordinances and pass resolutions necessary for an efficient and effective city government and, in this connection, shall:

(i) Review all ordinances approved by the *Sangguniang Barangay* and executive orders issued by the punong barangay to determine whether these are within the scope of the prescribed powers of the *Sangguniang Barangay* and of the *Punong Barangay*;

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

(iii) Approve ordinances imposing a fine not exceeding five thousand pesos (P5,000.00) or an imprisonment for a period not exceeding one (1) year, or both, at the discretion of the court, for violation of a city ordinance;

(iv) Adopt measures to protect the inhabitants of the City from the harmful effects of man-made or natural disasters and calamities, and to provide relief services and

assistance to victims during and in the aftermath of said disasters or calamities and in their return to productive livelihood following said events;

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

(vi) Protect the environment and impose appropriate penalties for acts which endanger the environment, including illegal logging, smuggling of logs, smuggling of natural resources products and of endangered species of flora and fauna, slash-and-burn farming and other activities which result in pollution, acceleration of siltation of rivers and lakes or of ecological imbalance;

(vii) Subject to the provisions of the Local Government Code of 1991, as amended, and other pertinent laws, determine the powers and duties of officials and employees of the City;

(viii) Determine the positions and the salaries, wages, allowances and other emoluments and benefits of officials and employees paid wholly or mainly from city funds and provide for expenditures necessary for the proper conduct of programs, projects, services and activities of the city government;

(ix) Authorize the payment of compensation to a qualified person not in the government service who fills in a temporary vacancy or grant honoraria to any qualified official or employee designated to fill in a temporary vacancy in a concurrent capacity at the rate authorized by law;

(x) Provide a mechanism and the appropriate funds therefor for the safety and protection of all city government properties, public documents or records such as those relating to property inventory, land ownership, records of births, marriages, deaths, assessments, taxation, accounts, business permits and such other records and documents of public interest in the offices and departments of the city government;

(xi) When the finances of the city government allow, provide for additional allowances and other benefits to judges, prosecutors, public elementary and high school teachers, and other national government employees stationed in or assigned to the City;

(xii) Provide legal assistance to barangay officials who, in the performance of their official duties or on the occasion thereof, have to initiate judicial proceedings or defend themselves against legal actions; and

(xiii) Provide for group insurance or additional insurance coverage for all barangay officials, including members of barangay tanod brigades and service units, with public or private insurance companies, when the finances of the city government allow coverage.

(2) Generate and maximize the use of resources and revenues for the development plans, program objectives and priorities of the City, with particular attention to agro-industrial development and citywide growth and progress and, relative thereto, shall:

(i) Approve the annual and supplemental budgets of the city government and appropriate funds for specific programs, projects, services and activities of the City, or for other purposes not contrary to law, in order to promote the general welfare of the City and its inhabitants;

(ii) Subject to the provisions of Book II of the Local Government Code of 1991, as amended, and applicable laws and, upon the majority vote of all the members of the *Sangguniang Panlungsod*, enact ordinances levying taxes, fees and charges, prescribing the rates thereof for general and specific purposes and granting tax exemptions, incentives or reliefs;

(iii) Subject to the provisions of Book II of the Local Government Code of 1991, as amended, and upon the majority vote of all the members of the *Sangguniang Panlungsod*, authorize the City Mayor to negotiate and contract loans and other forms of indebtedness;

(iv) Subject to the provisions of Book II of the Local Government Code of 1991, as amended, and applicable laws and, upon the majority vote of all the members of the *Sangguniang Panlungsod*, enact ordinances authorizing the floating of bonds or other instruments of indebtedness, for, the purpose of raising funds to finance development projects;

(v) Appropriate funds for the construction and maintenance or the rental of buildings for the use of the City and, upon the majority vote of all the members of the *Sangguniang Panlungsod*, authorize the City Mayor to lease to private parties such public buildings held in a proprietary capacity, subject to existing laws, rules and regulations;

(vi) Prescribe reasonable limits and restraints on the use of property within the jurisdiction of the City;

(vii) Adopt a comprehensive land-use plan for the City and ensure that the formulation, adoption or modification of said plan shall be in coordination with the approved provincial comprehensive land-use plan;

(viii) Reclassify lands within the jurisdiction of the City, subject to the pertinent provisions of the Local Government Code of 1991, as amended;

(ix) Enact integrated zoning ordinances in consonance with the approved comprehensive 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 limits or zones in accordance with the provisions of the Fire Code of the Philippines;

(x) Subject to national law, process and approve subdivision plans for residential, commercial or industrial purposes and other development purposes, and to collect processing fees and other charges, the proceeds of which shall accrue entirely to the City: *Provided, however,* That where approval of a national agency or office is required, 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 approval thereof;

(xi) Subject to the provisions of Book II of the Local Government Code of 1991, as amended, grant exclusive privilege of constructing fish corrals or fish pens, or taking or catching of bangus fry, prawn fry or kawag-kawag, or fry of any species or fish within the city waters;

(xii) With the concurrence of at least two-thirds (2/3) vote of all the members of the *Sangguniang Panlungsod*, grant tax exemptions, incentives or reliefs to entities engaged in community growth-inducing industries, subject to the provisions of the Local Government Code of 1991, as amended;

(xiii) Grant loans or provide grants to other local government units or to national, provincial and city charitable, benevolent or educational institutions: *Provided,* That the institutions are operated and maintained within the City;

(xiv) Regulate the numbering of residential, commercial and other buildings; and

(xv) Regulate the inspection, weighing and measuring of articles of commerce.

(3) Subject to the provisions of Book II of the Local Government Code of 1991, as amended, enact ordinances granting franchises and authorizing the issuance of permits or licenses, upon conditions and for purposes intended to promote the general welfare of the inhabitants of the City and, pursuant to this legislative authority, shall:

(i) Fix and impose reasonable fees and charges for all services rendered by the city government to private persons or entities;

(ii) Regulate or fix license fees for any business or practice of profession within the City and the conditions under which the license for trade business or practice of profession may be revoked, and enact ordinances levying taxes thereon;

(iii) Provide for and set the terms and conditions under which public utilities owned by the City shall be operated by the city government and prescribe the conditions

under which the same may be leased to private persons or entities, preferably cooperatives;

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

(v) Any law to the contrary notwithstanding, authorize and license the establishment, operation and maintenance of cockpits, and regulate cockfighting and commercial breeding of gamecocks: *Provided*, That existing rights should not be prejudiced;

(vi) Subject to the guidelines prescribed by the Department of Transportation and Communications (DOTC), regulate the operation of tricycles and grant franchises for the operation thereof within the territorial jurisdiction of the City; and

(vii) Upon approval by a majority vote of all the members of the *Sangguniang Panlungsod*, grant a franchise to any person, partnership, corporation or cooperative to do business within the City; establish, construct, operate and maintain ferries, wharves, markets or slaughterhouses; or undertake other activities within the City as may be allowed by existing laws: *Provided*, That cooperatives shall be given preference in the grant of franchise.

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

(i) Declare, prevent or abate any nuisance;

(ii) Require that buildings and the premises thereof and any land within the City be kept and maintained in a sanitary condition; impose penalties for any violation thereof; or upon failure to comply with the said requirement, have the work done at the expense of the owner, administrator or tenant concerned; and require the filling up of any land or premises to a grade necessary for proper sanitation;

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

(iv) Regulate the establishment, operation and maintenance of restaurants, beerhouses, hotels, motels, inns, pension houses, lodging houses and other similar establishments, including tourist guides and transports;

(v) Regulate the sale, giving away or dispensing of any intoxicating malt, vino, mixed or fermented liquors at any retail outlets;

(vi) Regulate the establishment and provide for the inspection of steam boilers or any heating device in buildings and the storage of inflammable and highly combustible materials within the City;

(vii) Regulate the establishment, operation and maintenance of entertainment or amusement facilities, including theatrical performances, circuses, billiard halls, public dancing schools, public dance halls, sauna baths, massage parlors and other places for entertainment or amusement; regulate such other events or activities for amusement or entertainment, particularly those which tend to disturb the community or annoy the inhabitants, or require the suspension or suppression of the same; or prohibit certain forms of amusement or entertainment in order to protect the social and moral welfare of the community;

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

(ix) Regulate the establishment, operation and maintenance of funeral parlors and the burial or cremation of the dead, subject to existing laws, rules and regulations.

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

(i) Provide for the establishment, maintenance, protection and conservation of tree parks and greenbelts, mangroves, and other similar forest development projects;

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

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

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

(v) 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 the 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;

(vi) 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 constructions in public places;

(vii) 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 construction, maintenance, repair and use of hydrants, pumps, cisterns and reservoirs; protect the purity and the quantity of the water supply of the City and, for this purpose, extend the coverage of appropriate ordinances over all territories within the drainage area of said water supply within one hundred meters (100 m.) of the reservoir, canal, conduit, aqueduct, pumping station or watershed used in connection with the water service; and regulate the consumption, use or wastage of water and fix and collect charges thereof;

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

(ix) Regulate the placing, stringing, attaching, installing, repair and construction of all gas mains, electric telegraph and telephone wires, conduits, meters and other apparatus; and provide for the correction, condemnation or removal of the same when found to be dangerous, defective or otherwise hazardous to the welfare of the inhabitants;

(x) Subject to the availability of funds and to existing laws, rules and regulations, establish and provide for the operation of vocational and technical schools and similar post-secondary institutions and, with the approval of the Technical Education and Skills Development Authority (TESDA), and subject to existing laws on tuition fees, fix and collect reasonable tuition fees and other school charges in educational institutions supported by the city government;

(xi) Establish a scholarship fund for the poor but deserving students in schools located within its jurisdiction or for students residing within the City;

(xii) Approve measures and adopt quarantine regulations to prevent the introduction and the spread of diseases;

(xiii) Provide for an efficient and effective system of solid waste and garbage collection and disposal and prohibit littering and the placing or throwing of garbage, refuse and other filth and wastes;

(xiv) Provide for the care of persons with disabilities, paupers, the aged, the sick, persons of unsound mind, abandoned minors, juvenile delinquents, drug dependents, abused children and other needy and disadvantaged persons particularly children and youth below eighteen (18) years of age, and subject to the availability of funds, establish and provide for the operation of centers and facilities for the said needy and disadvantaged persons;

(xv) Establish and provide for the maintenance and improvement of jails and detention centers, institute a sound jail management program and appropriate funds for the subsistence of detainees and convicted prisoners in the City;

(xvi) Establish a city council whose purpose is the promotion of culture and the arts, coordinate with government agencies and nongovernmental organizations and, subject to the availability of funds, appropriate funds for the support and development of the same; and

(xvii) Establish a city council for the elderly and senior citizens which shall formulate policies and adopt measures mutually beneficial to the elderly and to the community; provide incentives for nongovernmental agencies and entities and, subject to the availability of funds, appropriate funds to support programs and projects for the benefit of the elderly.

(6) Perform other duties and functions and exercise such powers as provided for under the Local Government Code of 1991, as amended, and those that are prescribed by law or ordinance.

## ARTICLE V

### PROCESS OF LEGISLATION

SEC. 12. *Internal Rules of Procedure.* – (a) On the first regular session following the election of its members and within ninety (90) days thereafter, the *Sangguniang Panlungsod* shall adopt or update its existing 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 chairperson 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 (4) 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 the penalty of suspension or expulsion shall require the

concurrence of at least two-thirds (2/3) vote of all the *Sanggunian* members: *Provided, further,* That the member convicted by final judgment to imprisonment of at least one (1) year for any crime involving moral turpitude shall be automatically expelled from the *Sanggunian*; and

(6) Such other rules as the *Sanggunian* may adopt.

SEC. 13. *Full Disclosure of Financial and Business Interests of Sangguniang Panlungsod Members.* – (a) Every *Sangguniang Panlungsod* member shall, upon assumption to office, make a full disclosure of business and financial interests. They shall also disclose any business, financial, professional relationship or any relation by affinity or consanguinity within the fourth civil degree, which they may have with any person, firm or entity affected by any ordinance or resolution under consideration by the *Sanggunian* of which one is a member, which relationship may result in conflict of interests. Such relationship shall include:

(1) Ownership of stock 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 *Sanggunian* may not act in the public interest due to some private, pecuniary or other personal considerations that may tend to affect his or her judgment to the prejudice of the service or the public.

(b) The disclosure required under this Act shall be made in writing submitted to the secretary of the *Sanggunian* or the secretary of the committee of which he or she is a member. The disclosure shall, in all cases, form part of the record of the proceedings and shall be made in the following manner:

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

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

SEC. 14. *Sessions.* – (a) On the first day of the session immediately following the election of its members, the *Sangguniang Panlungsod* shall, by resolution, fix the day, time and place of its regular sessions. The minimum number of regular sessions shall be once a week for the *Sangguniang Panlungsod* and twice a month for the *sangguniang barangay*.

(b) When the public interest so demands, special sessions may be called by the City Mayor 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 the majority of the members present, there being a quorum, in the public interest or for reasons of security, decency or morality. No two (2) 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 matter may be considered at a special session except those stated in the notice.

(e) The *Sangguniang Panlungsod* shall keep a journal and a record of its proceedings, which may be published upon resolution of the majority of its members.

SEC. 15. *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 a session, the presiding officer shall immediately proceed to call the roll of the members and thereafter announce the result.

(b) Where there is no quorum, the presiding officer may declare a recess until such time a quorum is constituted, or a majority of the 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 City of Malay, to arrest the absent member and present him or her at the session.

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

SEC. 16. *Approval of Ordinances*. – (a) Every ordinance enacted by the *Sangguniang Panlungsod* shall be presented to the City Mayor, If the City Mayor approves the same, the signature shall be affixed on each and every page thereof; otherwise, the ordinance shall be vetoed and returned with the statement on the objections to the *Sanggunian*, which may proceed to reconsider the same. The *Sanggunian* may override the veto of the City Mayor by two-thirds (2/3) vote of all its members, thereby making the ordinance or resolution effective for all legal intents and purposes.

(b) The veto shall be communicated by the City Mayor to the *Sanggunian* within ten (10) days, otherwise, the ordinance shall be deemed approved as if it had signed it.

SEC. 17. *Veto Power of the City Mayor.* – (a) The City Mayor may veto any ordinance of the *Sangguniang Panlungsod* on the ground that it is *ultra vires* or prejudicial to the public welfare, stating the reasons thereof in writing.

(b) The City Mayor shall have the power to veto any particular item or items of an appropriations ordinance, an ordinance or resolution adopting a local development plan, any public investment program or an ordinance directing the payment of money or creating liability. In such case, the vetoed item or items shall not affect the item or items which are not objected to. The vetoed item or items shall not take effect unless the *Sangguniang Panlungsod* overrides the veto in the manner herein provided; otherwise, the item or items in the appropriations ordinance of the previous year corresponding to those vetoed, if any, shall be deemed enacted.

(c) The City Mayor may veto an ordinance or resolution only once. The *Sanggunian* may override the veto of the City Mayor by two-thirds (2/3) vote of all its members, thereby making the ordinance effective even without the approval of the City Mayor.

SEC. 18. *Review of City Ordinances by the Sangguniang Panlalawigan.* – (a) Within three (3) days after approval, the secretary of the *Sangguniang Panlungsod* shall forward to the *Sangguniang Panlalawigan* for review, copies of approved ordinances and the resolutions approving the local development plans and the public investment programs formulated by the local development councils.

(b) Within thirty (30) days after receipt of copies of such ordinances and resolutions, the *Sangguniang Panlalawigan* shall examine the documents or transmit them to the provincial attorney or the provincial prosecutor for prompt examination. The provincial attorney or the provincial prosecutor shall, within a period often (10) days from receipt of the documents, inform the *Sangguniang Panlalawigan* in writing of comments or recommendations which may be considered by the *Sangguniang Panlalawigan* in making its decision.

(c) If the *Sangguniang Panlalawigan* finds that such an ordinance or resolution is beyond the power conferred upon the *Sangguniang Panlungsod* concerned, it shall declare such ordinance or resolution invalid in whole or in part. The *Sangguniang Panlalawigan* shall enter its action in the minutes and shall advise the corresponding city authorities of the action it has taken.

(d) If no action has been taken by the *Sangguniang Panlalawigan* within thirty (30) days after submission of such an ordinance or resolution, the same shall be presumed to be consistent with law and therefore valid.

SEC. 19. *Review of Barangay Ordinances by the Sangguniang Panlungsod.* – (a) Within ten (10) days after its enactment, the *Sangguniang Barangay* shall furnish copies of all barangay ordinances to the *Sangguniang Panlungsod* for review as to whether the ordinances are consistent with law or city ordinances.

(b) If the *Sangguniang Panlungsod* fails to take action on barangay ordinances within thirty (30) days from receipt thereof, the same shall be deemed approved.

(c) If the *Sangguniang Panlungsod* finds the barangay ordinances inconsistent with law or city ordinances, the *Sangguniang Panlungsod* shall, within thirty (30) days from receipt thereof, return the same with its comments and recommendations to the *Sangguniang Barangay* concerned for adjustment, amendment or modification; in which case, the effectivity of the barangay ordinance is suspended until such time as the revision called for is effected.

SEC. 20. *Enforcement of Disapproved Ordinances or Resolutions.* – Any attempt to enforce any ordinance or any resolution approving the local development plan and the public investment program after disapproval thereof, shall be sufficient ground for the suspension or dismissal of the official or employee concerned.

SEC. 21. *Effectivity of Ordinances or Resolutions.* – (a) Unless otherwise stated in the ordinance or the resolution approving the local development plan and the public investment program, the same shall take effect after ten (10) days from the date a copy thereof is posted in a bulletin board at the entrance of the City Hall of Malay and in at least two (2) other conspicuous places in the City of Malay not later than five (5) days after approval thereof.

(b) The Secretary of the *Sangguniang Panlungsod* shall cause the posting of an ordinance or resolution in the bulletin board at the entrance of the city hall and in at least two (2) conspicuous places in the City of Malay not later than five (5) days after approval thereof. The text of the ordinance or resolution shall be disseminated and posted in Filipino or English, and the secretary of the *Sangguniang Panlungsod* shall record such fact in a book kept for the purpose, stating the dates of approval and posting.

(c) The main features of the ordinance or the resolution duly enacted or adopted shall, in addition to being posted, be published once in a local newspaper of general circulation within the City: *Provided*, That in the absence thereof, the ordinance or the resolution shall be published in any newspaper of general circulation; *Provided, further*, That the gist of all ordinances with penal sanctions shall also be published in a newspaper of general circulation.

## ARTICLE VI

### DISQUALIFICATION AND SUCCESSION OF ELECTIVE OFFICIALS

SEC. 22. *Disqualification of Elective Public City Officials.* – The following persona are disqualified from running for any elective position in the City:

(a) Those sentenced by final judgment for an offense involving moral turpitude or an offense punishable by imprisonment for one (1) year or more, within two (2) years after serving sentence;

- (b) Those removed from office as a result of an administrative case;
- (c) Those convicted by final Judgment for violating the oath of allegiance to the Republic of the Philippines;
- (d) Those with dual citizenship;
- (e) Fugitives from justice in criminal or nonpolitical cases here and abroad;
- (f) Permanent residents in a foreign country or those who have acquired the right to reside abroad and continue to avail of the same right after the effectivity of the Local Government Code of 1991, as amended; and
- (g) The insane or feeble-minded.

*SEC. 23. Permanent Vacancy in the Offices of the City Mayor and the City Vice Mayor.*

– (a) If a permanent vacancy occurs in the office of the City Mayor, the City Vice Mayor concerned shall become the City Mayor. If a permanent vacancy occurs in the office of the City Vice Mayor, the highest ranking *Sangguniang Panlungsod* member or, in case of permanent incapacity, the second highest ranking *Sangguniang Panlungsod* member becomes the City Mayor or the City Vice Mayor, as the case may be. Subsequent vacancies in the said offices shall be filled automatically by the other *Sanggunian* members according to their ranking as defined herein.

(b) If a permanent vacancy occurs in the office of the *Punong Barangay*, the highest-ranking *Sangguniang Barangay* member or, in case of his or her permanent incapacity, the second highest ranking *Sanggunian* member, shall become the *Punong Barangay*.

(c) A tie between or among the highest ranking *Sangguniang Panlungsod* members shall be resolved by drawing of lots.

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

(e) For purposes of this Act, a permanent vacancy arises when an elective local official fills in 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 the office.

(f) For purposes of succession as provided for in this Act, ranking in the *Sanggunian* 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 City in the immediately preceding local election.

*SEC. 24. Permanent Vacancies in the Sangguniang Panlungsod.* – Permanent vacancies in the *Sangguniang Panlungsod* where automatic succession as provided above does not apply shall be filled in by appointments in the following manner:

(a) The provincial governor shall make the aforesaid appointments;

(b) 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 same 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 official responsible therefor;

(c) In case the permanent vacancy is caused by a *Sanggunian* member who does not belong to any political party, the City Mayor shall, upon the recommendation of the *Sangguniang Panlungsod*, appoint a qualified person to fill in the vacancy; and

(d) In case of vacancy in the representation of the youth and the barangay in the *Sangguniang Panlungsod*, said vacancy shall be filled in automatically by the official next-in-rank of the organization concerned.

SEC. 25. *Temporary Vacancy in the Office of the City Mayor.* – (a) When the City Mayor is temporarily incapacitated to perform duties for physical or legal reasons, such as, but not limited to, leave of absence, travel abroad and suspension from office, the City Vice Mayor or the highest ranking *Sangguniang Panlungsod* member shall automatically exercise the powers and perform the duties and functions of the City Mayor, except the power to appoint, suspend or dismiss employees which can only be exercised if the period of temporary incapacity exceeds thirty (30) working days.

(b) Said temporary incapacity shall terminate upon submission to the *Sangguniang Panlungsod* of a written declaration by the City Mayor of having reported back to office. In case where the temporary incapacity is due to legal cause, the City Mayor shall also submit the necessary documents showing that the said legal cause no longer exists.

(c) When the City Mayor is traveling within the country but outside the territorial jurisdiction for a period not exceeding three (3) consecutive days, he or she may designate in writing the officer-in-charge of the office. The authorization shall specify the powers and functions that the local official concerned shall exercise in the absence of the City Mayor, except the power to appoint, suspend or dismiss employees.

(d) In the event, however, that the City Mayor fails or refuses to issue such authorization, the City Vice Mayor or the highest ranking *Sangguniang Panlungsod* member, as the case may be, shall have the right to assume the powers, duties and functions of the office on the fourth (4<sup>th</sup>) day of absence of the City Mayor, subject to the limitations provided for in subsection (c) hereof.

(e) Except as provided above, the City Mayor shall, in no case, authorize any local official to assume the powers, duties and functions of the office other than the City Vice Mayor or the highest ranking member of the *Sangguniang Panlungsod*, as the case may be.

## ARTICLE VII

### THE APPOINTIVE OFFICIALS OF THE CITY

SEC. 26. *The Secretary to the Sangguniang Panlungsod.* – (a) There shall be a secretary to the *Sangguniang Panlungsod* who shall be a career official with the rank and salary equal to a head of a department or office.

(b) No person shall be appointed secretary to the *Sangguniang Panlungsod* unless one is a citizen of the Philippines, a resident of the City of Malay, of good moral character, a holder of a college degree preferably in law, commerce or public administration obtained from a recognized college or university and a first grade civil service eligible or its equivalent.

The appointment of a secretary to the *Sanggunian* shall be mandatory.

(c) The secretary to the *Sangguniang Panlungsod* shall take charge of the office of the *Sangguniang Panlungsod*, and shall:

(1) Attend sessions of the *Sangguniang Panlungsod* and keep a journal of its proceedings;

(2) Keep the seal of the City and affix it with one's signature to all ordinances, resolutions and other official acts of the *Sangguniang Panlungsod*, and present these for the signature of the presiding officer;

(3) Forward to the City Mayor for approval, copies of ordinances enacted by the *Sangguniang Panlungsod*, duly certified by the presiding officer;

(4) Forward to the Department of Budget and Management (DBM) copies of the appropriations ordinances passed by the *Sangguniang Panlungsod* as provided for under Section 326, Book II of the Local Government Code of 1991, as amended;

(5) Forward to the *Sangguniang Panlalawigan* copies of duly approved ordinances in the manner as provided for in Sections 56 and 57 of the Local Government Code of 1991, as amended;

(6) Furnish, upon the request of any interested party, certified copies of records of public character in one's custody, upon payment to the City Treasurer of such fees as may be prescribed by an ordinance;

(7) Record in a book kept for the purpose, all ordinances and resolutions enacted or adopted by the *Sangguniang Panlungsod*, with the dates of passage and publication thereof;

(8) Keep the office and all nonconfidential records therein open to the public during usual business hours;

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

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

(11) Perform such other duties and functions and exercise such other powers as provided for under the Local Government Code of 1991, as amended, and those that are prescribed by law or ordinance.

SEC. 27. *The City Treasurer.* – (a) The City Treasurer shall be appointed by the Secretary of the Department of Finance (DOF) from a list of at least three (3) ranking eligible recommendees of the City Mayor, subject to civil service law, rules and regulations.

(b) The City Treasurer shall be under the administrative supervision of the City Mayor, to whom one shall report regularly on the tax collection efforts of the City.

(c) No person shall be appointed City Treasurer unless one is a citizen of the Philippines, a resident of the City of Malay, of good moral character, a holder of a college degree preferably in commerce, public administration or law obtained from a recognized college or university, a first grade civil service eligible or its equivalent and must have acquired experience in treasury or accounting service for at least five (5) years.

The appointment of a City Treasurer shall be mandatory.

(d) The City Treasurer shall receive compensation, emoluments and allowances as may be determined by law.

(e) The City Treasurer shall take charge of the City Finance Department, and shall:

(1) Advise the City Mayor, the *Sangguniang Panlungsod* and other local government and national officials concerned regarding the disposition of local government funds and on other matters relative to public finance;

(2) Take custody of and exercise proper management of the funds of the City;

(3) Take charge of the disbursement of all funds of the City and other funds, the custody of which may be entrusted by law or other competent authority;

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

(5) Maintain and update the tax information system of the City; and

(6) Perform other duties and functions and exercise such other powers as provided for under the Local Government Code of 1991, as amended, and those that are prescribed by law or ordinance.

SEC. 28. *The City Assessor.* – (a) The City Assessor must be a citizen of the Philippines, a resident of the City of Malay, of good moral character, a holder of a college degree preferably in civil or mechanical engineering, commerce or any other related course obtained from a recognized college or university, a licensed appraiser under Republic Act No. 9646, otherwise known as “The Real Estate Service Act of the Philippines” and a first grade civil service eligible or its equivalent and must have acquired experience in real property assessment work or in any related field for at least five (5) years immediately preceding the date of appointment.

The appointment of a City Assessor shall be mandatory.

(b) The City Assessor shall receive compensation, emoluments and allowances as may be determined by law.

(c) The City Assessor shall take charge of the City Assessor’s Department, and shall:

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

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

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

(4) Install and maintain real property identification and accounting systems;

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

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

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

(8) Prepare a schedule of the fair market value of the different classes of real properties in accordance with the provisions of the Local Government Code of 1991, as amended;

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

(10) Submit every semester a report of all assessments, as well as cancellations and modifications of assessments to the City Mayor and the *Sangguniang Panlungsod*;

(11) Attend personally or through an authorized representative all sessions of the Local Board of Assessment Appeals whenever his or her assessment is the subject of the appeal, and present or submit any information or record in his or her possession as may be required by the Board; and

(12) Perform such other duties and functions and exercise such other powers as provided for under Republic Act No. 7160, otherwise known as the "Local Government Code of 1991", as amended, and those that are prescribed by law or ordinance.

SEC. 29. *The City Accountant.* – (a) The City Accountant must be a citizen of the Philippines, a resident of the City of Malay, of good moral character, a certified public accountant and must have acquired experience in the treasury or accounting service for at least five (5) years immediately preceding the date of appointment.

The appointment of a City Accountant shall be mandatory.

(b) The City Accountant shall receive compensation, emoluments and allowances as may be determined by law.

(c) The City Accountant shall take charge of both the Office of the Accounting and Internal Audit Services, and shall:

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

(2) Prepare and submit financial statements to the City Mayor and to the *Sangguniang Panlungsod*;

(3) Apprise the *Sangguniang Panlungsod* and other officials on the financial condition and operations of the City;

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

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

(6) Prepare statement of cash advances, liquidations, salaries, allowances, reimbursements and remittances pertaining to the City;

(7) Prepare statements of journal vouchers, their liquidations and other adjustments related thereto;

- (8) Post individual disbursements to subsidiary ledgers and index cards;
- (9) Maintain individual ledgers for officials and employees of the City pertaining to payrolls and deductions;
- (10) Record and post in index cards details of purchased furniture, fixtures and equipment, including disposal thereof, if any;
- (11) Account for all issued requests for obligations and maintain and keep all records and reports related thereto;
- (12) Prepare journals and the analysis of obligations and maintain and keep all records and reports related thereto; and
- (13) Perform other duties and functions and exercise other powers as provided for under the Local Government Code of 1991, as amended, and those that are prescribed by law or ordinance.

SEC. 30. *The City Budget Officer.* – (a) The City Budget Officer must be a citizen of the Philippines, a resident of the City of Malay, of good moral character, holder of a college degree preferably in accounting, economics, public administration or any related course obtained from a recognized college or university, a first grade civil service eligible or its equivalent, and must have acquired experience in government budgeting or in any related field for at least five (5) years immediately preceding the date of appointment.

The appointment of a City Budget Officer shall be mandatory.

(b) The City Budget Officer shall take charge of the City Budget Department, and shall:

- (1) Prepare forms, orders and circulars embodying instructions on budgetary and appropriation matters for the signature of the City Mayor;
- (2) Review and consolidate the budget proposals of different departments and offices of the City;
- (3) Assist the City Mayor in the preparation of the budget and during and after the budget hearings;
- (4) Study and evaluate budgetary implications of proposed legislations and submit comments and recommendations thereon;
- (5) Submit periodic budgetary reports to the DBM;
- (6) Coordinate with the City Treasurer, the City Accountant and the City Planning and Development Officer for the purpose of budgeting;

(7) Assist the *Sangguniang Panlungsod* in reviewing the approved budgets of the component barangays;

(8) Coordinate with the City Planning and Development Office in the formulation of the development plan of the City; and

(9) Perform other duties and functions and exercise other powers as provided for under the Local Government Code of 1991, as amended, and those that are prescribed by law or ordinance.

(c) The City Budget Officer shall receive such compensation, emoluments and allowances as may be determined by law.

SEC. 31. *The City Planning and Development Officer.* – (a) The City Planning and Development Officer must be a citizen of the Philippines, a resident of the City of Malay, of good moral character, a holder of a college degree preferably in urban planning, development studies, economics, public administration or in any related course obtained from a recognized college or university, a first grade civil service eligible or its equivalent, and must have acquired experience in development planning or in any related field for at least five (5) years immediately preceding the date of appointment.

The appointment of a City Planning and Development Officer shall be mandatory.

(b) The City Planning and Development Officer shall receive compensation, emoluments and allowances as may be determined by law

(c) The City Planning and Development Officer shall take charge of the City Planning and Development Coordinating Office, and shall:

(1) Formulate integrated economic, social, physical and other development plans and policies for the consideration of the City 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 or agencies;

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

(5) Prepare comprehensive plans and other development planning documents for the consideration of the Local Development Council;

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

- (7) Promote people's participation in development planning within the City;
- (8) Exercise supervision and control over the secretariat of the Local Development Council; and
- (9) Perform such other duties and functions and exercise such other powers as provided for under the Local Government Code of 1991, as amended, and those that are prescribed by law or ordinance.

SEC. 32. *The City Engineer.* – (a) The City Engineer must be a citizen of the Philippines, a resident of the City of Malay, of good moral character, a licensed civil engineer, and must have acquired experience in the practice of profession for at least five (5) years immediately preceding the date of appointment.

The appointment of a City Engineer shall be mandatory.

(b) The City Engineer shall receive compensation, emoluments and allowances as may be determined by law.

(c) The City Engineer shall take charge of the City 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 City;

(2) Advise the City Mayor on infrastructure, public works and other engineering matters;

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

(4) Provide engineering services to the City, including investigations and surveys, engineering designs, feasibility studies and project management; and

(5) Perform other duties and functions and exercise other powers as provided for under the Local Government Code of 1991, as amended, and those that are prescribed by law or ordinance.

SEC. 33. *The City Health Officer.* – (a) The City Health Officer must be a citizen of the Philippines, a resident of the City of Malay, of good moral character, a licensed medical practitioner, and must have acquired experience in the practice of the profession for at least five (5) years immediately preceding the date of appointment.

The appointment of a City Health Officer shall be mandatory.

(b) The City Health Officer shall receive compensation, emoluments and allowances as may be determined by law.

(c) The City Health Officer shall take charge of the Office of the City Health Services, and shall:

(1) Supervise the personnel and staff of the said office, formulate program implementation guidelines and rules and regulations for the operation of the said office for the approval of the City Mayor in order to assist him or her in the efficient, effective and economical implementation of health service programs geared to implement health-related projects and activities;

(2) Formulate measures for the consideration of the *Sangguniang Panlungsod* and provide technical assistance and support to the City Mayor in carrying out activities to ensure the delivery of basic services and the provision of adequate facilities relative to health services as provided for under Section 17 of the Local Government Code of 1991, as amended;

(3) Develop plans and strategies and, upon approval thereof by the City Mayor, implement the same, particularly those which have to do with the health programs and projects which the City Mayor is empowered to implement and which the *Sangguniang Panlungsod* is empowered to provide for under the Local Government Code of 1991, as amended;

(4) In addition to the foregoing duties and functions, the City Health Officer shall:

(i) Formulate and implement policies, plans and projects to promote the health of the people in the City;

(ii) Advise the City Mayor and the *Sangguniang Panlungsod* on matters pertaining to health;

(iii) Execute and enforce all laws, ordinances and regulations relating to public health;

(iv) Recommend to the *Sangguniang Panlungsod* through the local health board, the passage of ordinance as may be deemed necessary for the preservation of public health;

(v) Recommend the prosecution of any violation of sanitary laws, ordinances or regulations;

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

(vii) Conduct health information campaigns and render health intelligence services;

(viii) Coordinate with other government agencies and nongovernment organizations involved in the promotion and delivery of health services; and

(ix) Be in the frontline of the delivery of health services, particularly during and in the aftermath of man-made and natural disasters or calamities; and

(5) Perform other duties and functions and exercise other powers as provided for under the Local Government Code of 1991, as amended, and those that are prescribed by law or ordinance.

SEC. 34. *The City Civil Registrar.* – (a) The City Civil Registrar must be a citizen of the Philippines, a resident of the City of Malay, of good moral character, a holder of a college degree obtained from a recognized college or university, a first grade civil service eligible or its equivalent, and must have acquired experience in civil registry work for at least five (5) years immediately preceding the date of appointment.

The appointment of a City Civil Registrar shall be mandatory.

(b) The City Civil Registrar shall receive compensation, emoluments and allowances as may be determined by law.

(c) The City Civil Registrar shall be responsible for the civil registration program in the City of Malay, pursuant to the Civil Registry Law, the Civil Code and other pertinent laws, rules and regulations issued to implement them.

(d) The City Civil Registrar shall take charge of the Office of the City Civil Registry, and shall:

(1) Develop plans and strategies and, upon approval thereof by the City Mayor, implement the same, particularly those which have to do with the civil registry programs and projects which the City Mayor is empowered to implement and which the *Sangguniang Panlungsod* is empowered to provide for under the Local Government Code of 1991, as amended;

(2) In addition to the foregoing duties and functions, the City Civil Registrar shall;

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

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

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

(iv) Transmit to the Office of the Civil Registrar General, within the prescribed period, duplicate copies of registered documents required by law;

(v) Issue certified transcripts or copies of any certificate or registered documents upon payment of the required fees to the City Treasurer;

(vi) Receive application for the issuance of a marriage license and, after determining that the requirements and supporting certificates and publication thereof for the prescribed period have been complied with, issue the license upon payment of the authorized fee to the City Treasurer; and

(vii) Coordinate with the Philippine Statistics Authority (PSA) in conducting educational campaigns for vital registration and assist in the preparation of demographic and other statistics for the City of Malay; and

(3) Perform such other duties and functions and exercise such other powers as provided for under the Local Government Code of 1991, as amended, and those that are prescribed by law or ordinance.

SEC. 35. *The City Administrator.* – (a) The City Administrator must be a citizen of the Philippines, a resident of the City of Malay, of good moral character, a holder of a college degree preferably in public administration, law or in any other related course obtained from a recognized college or university, a first grade civil service eligible or its equivalent, and must have acquired experience in management and administrative work for at least five (5) years immediately preceding the date of appointment.

The appointment of a City Administrator shall be mandatory.

(b) The term of the City Administrator is coterminous with that of his or her appointing authority.

(c) The City Administrator shall receive compensation, emoluments and allowances as may be determined by law.

(d) The City Administrator shall take charge of the City Administrator's Office, and shall:

(1) Develop plans and strategies and, upon approval thereof by the City Mayor, implement the same, particularly those which have to do with the management and administration-related programs and projects which the City Mayor is empowered to implement and which the *Sangguniang Panlungsod* is empowered to provide for under the Local Government Code of 1991, as amended;

(2) Assist in the coordination of the work of all the officials of the local government unit, under the supervision, direction and control of the City Mayor, and for this purpose, convene the chiefs of offices and other officials of the local government unit;

(3) Establish and maintain a sound personnel program for the local government unit designed to promote career development and uphold the merit principle in the local government service;

(4) Conduct a continuing organizational development of the local government unit with the end in view of instituting effective administrative reforms;

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

(6) Recommend to the *Sangguniang Panlungsod* and advise the City Mayor on all matters relative to the management and administration of the City; and

(7) Perform other duties and functions and exercise other powers as provided for under the Local Government Code of 1991, as amended, and those that are prescribed by law or ordinance.

SEC. 36. *The City Legal Officer.* – (a) The City Legal Officer must be a citizen of the Philippines, a resident of the City of Malay, of good moral character, a member of the Philippine Bar, and must have practiced the profession for at least five (5) years immediately preceding the date of appointment.

The appointment of a City Legal Officer shall be mandatory.

The term of the City Legal Officer shall be coterminous with that of his or her appointing authority.

(b) The City Legal Officer shall receive compensation, emoluments and allowances as may be determined by law.

(c) The City Legal Officer, the Chief Legal Counsel of the City, shall take charge of the Office of the City Legal Service, and shall:

(1) Formulate measures for the consideration of the *Sangguniang Panlungsod* and provide legal assistance and support to the City Mayor in carrying out the delivery of basic services and the provision of adequate facilities;

(2) Develop plans and strategies and, upon approval thereof by the City Mayor, implement the same, particularly those which have to do with the programs and projects related to legal services which the City Mayor is empowered to implement and which the *Sangguniang Panlungsod* is empowered to provide;

(3) Represent the local government unit in all civil actions and special proceedings wherein the local government unit or any official thereof, in his or her official capacity, is a party: *Provided*, That in actions or proceedings where the City of Malay is a party adverse to the provincial government or to another component city, a special legal officer maybe employed to represent the adverse party;

(4) When required by the City Mayor or *Sanggunian*, draft ordinances, contracts, bonds, leases and other instruments, involving any interest of the local government unit; and provide comments and recommendations on any instruments already drawn;

(5) Render his or her opinion in writing on any question of law when requested to do so by the City Mayor or *Sanggunian*;

(6) Investigate or cause to be investigated any local official or employee for administrative neglect or misconduct in office, and recommend appropriate action to the City Mayor or *Sanggunian*, as the case may be;

(7) Investigate or cause to be investigated any person, firm or corporation holding any franchise or exercising any privilege for failure to comply with any term or condition in the grant of such franchise or privilege, and recommend appropriate action to the City Mayor or *Sanggunian*, as the case may be;

(8) When directed by the City Mayor or *Sanggunian*, initiate and prosecute in the interest of the local government unit concerned any civil action on any bond, lease or other contract upon any breach or violation thereof;

(9) Review ordinances and submit recommendations on ordinances approved and executive orders issued by component units;

(10) Recommend measures to the *Sangguniang Panlungsod* and advise the City Mayor on all matters related to upholding the rule of law;

(11) 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 and natural disasters or calamities; and

(12) Perform other duties and functions and exercise other powers as provided for under the Local Government Code of 1991, as amended, and those that are prescribed by law or ordinance.

SEC. 37. *The City Social Welfare and Development Officer.* – (a) The City Social Welfare and Development Officer must be a citizen of the Philippines, a resident of the City of Malay, of good moral character, a duly licensed social worker or a holder of a college degree preferably in social work or in any other related course obtained from a recognized college or university, a first grade civil service eligible or its equivalent, and must have acquired experience in the practice of social work for at least five (5) years immediately preceding the date of appointment.

The appointment of a City Social Welfare and Development Officer shall be mandatory.

(b) The City Social Welfare and Development Officer shall receive compensation, emoluments and allowances as may be determined by law.

(c) The City Social Welfare and Development Officer shall take charge of the Office of the Social Welfare and Development, and shall:

(1) Formulate measures for the approval of the *Sangguniang Panlungsod* and provide technical assistance and support to the City Mayor in carrying out measures to ensure the delivery of basic services and the provision of adequate facilities relative to social welfare and development services;

(2) Develop plans and strategies and, upon approval thereof by the City Mayor, implement the same, particularly those which have to do with social welfare programs

and projects which the City Mayor is empowered to implement and which the *Sangguniang Panlungsod* is empowered to provide;

(3) Identify the basic needs of the needy, the disadvantaged and the impoverished, and develop and implement appropriate measures to alleviate their problems and improve their living conditions;

(4) Provide relief and appropriate crisis intervention for victims of abuse and exploitation and recommend appropriate measures to deter further abuse and exploitations;

(5) Assist the City Mayor, as the case may be, in implementing the barangay level program for the total development and protection of children up to six (6) years of age;

(6) Facilitate the implementation of welfare programs for the disabled, elderly and victims of drug addiction, the rehabilitation of prisoners and parolees, the prevention of juvenile delinquency and such other activities which would eliminate and minimize the ill-effects of poverty;

(7) Initiate and support youth welfare programs that will enhance the role of the youth in nation building;

(8) Coordinate with government agencies and nongovernmental organizations which have for their purpose the promotion and the protection of all the needy, disadvantaged, underprivileged or impoverished groups or individuals, particularly those identified to be vulnerable and high risk to exploitation, abuse and neglect;

(9) Be in the frontline of the delivery of services particularly those which have to do with the immediate relief and assistance during and in the aftermath of man-made and natural disasters or calamities;

(10) Recommend to the *Sangguniang Panlungsod* and advise the City Mayor on all other matters related to social welfare and development services which will improve the livelihood and the living conditions of the inhabitants; and

(11) Perform such other duties and functions and exercise such other powers as provided for under the Local Government Code of 1991, as amended, and those that are prescribed by law or ordinance.

SEC. 38. *The City Veterinarian.* – (a) The City Veterinarian must be a citizen of the Philippines, a resident of the City of Malay, of good moral character, a licensed doctor of veterinary medicine, and must have practiced the profession for at least three (3) years immediately preceding the date of appointment.

The appointment of a City Veterinarian Officer shall be mandatory.

(b) The City Veterinarian shall receive compensation, emoluments and allowances as may be determined by law.

(c) The City Veterinarian shall take charge of the Office of the Veterinary Services, and shall:

(1) Formulate measures for the consideration of the *Sangguniang Panlungsod* and provide technical assistance and support to the City Mayor in carrying out measures to ensure the delivery of basic services and the provision of adequate facilities;

(2) Develop plans and strategies and, upon approval thereof by the City Mayor, implement the same, particularly those which have to do with veterinary-related activities which the City Mayor is empowered to implement and which the *Sangguniang Panlungsod* is empowered to provide;

(3) Advise the City Mayor on all matters pertaining to the slaughter of animals for human consumption and the regulation of slaughterhouses;

(4) Regulate the keeping of domestic animals;

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

(6) Enforce all laws for the prevention of cruelty to animals;

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

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

(9) Recommend to the *Sangguniang Panlungsod* and advise the City Mayor on all other matters relative to the veterinary services which will increase the number and improve the quality of livestock, poultry and other domestic animals used for work or for human consumption; and

(10) Perform other duties and functions and exercise other powers as provided for under the Local Government Code of 1991, as amended, and those that are prescribed by law or ordinance.

SEC. 39. *The City General Services Officer.* – (a) The City General Services Officer must be a citizen of the Philippines, a resident of the City of Malay, of good moral character, a holder of a college degree in public administration, business administration or management obtained from a recognized college or university, a first grade civil service eligible or its equivalent, and must have acquired experience in general services, including the management of supply, property, solid waste disposal and general sanitation for at least five (5) years immediately preceding the date of appointment.

The appointment of a City General Services Officer shall be mandatory.

(b) The City General Services Officer shall receive compensation, emoluments and allowances as may be determined by law.

(c) The City General Services Officer shall take charge of the Office of the General Services, and shall:

(1) Formulate measures for the consideration of the *Sangguniang Panlungsod* and provide technical assistance and support to the City Mayor in carrying out measures to ensure the delivery of basic services and the provision of adequate facilities which require general services expertise in technical support services;

(2) Develop plans and strategies and, upon the approval thereof by the City Mayor, implement the same, particularly those which have to do with general services supportive of the welfare of the inhabitants of the City which the City Mayor is empowered to implement and which the *Sangguniang Panlungsod* is empowered to provide;

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

(4) With the approval of the City Mayor, assign building or land space to local officials or other public officials, who by law are entitled to the space;

(5) Recommend to the City Mayor the reasonable rental rates for local government properties, whether real or personal, which will be leased to public or private entities by the local government;

(6) Recommend to the City Mayor the reasonable rental rates of private properties which may be leased for the official use of the local government units;

(7) Maintain and supervise janitorial, security, landscaping and other related services in all local government public buildings and other real property, whether owned or leased by the local government unit;

(8) Collate and disseminate information regarding prices, shipping and other costs of supplies and other items commonly used by the local government unit;

(9) Perform archival and record management with respect to records of offices and departments of the local government unit;

(10) Perform all other functions pertaining to supply and property management heretofore performed by the local government treasurer and enforce policies on records creation, maintenance and disposal;

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

(12) Recommend to the *Sangguniang Panlungsod* and advise the City Mayor on all matters relative to general services; and

(13) Perform other duties and functions and exercise other powers as provided for under the Local Government Code of 1991, as amended, and those that are prescribed by law or ordinance.

SEC. 40. *The City Environment and Natural Resources Officer.* – (a) The City Environment and Natural Resources Officer must be a citizen of the Philippines, a resident of the City of Malay, of good moral character, a holder of a college degree preferably in environment, forestry, agriculture or in any other related course obtained from a recognized college or university, a first grade civil service eligible or its equivalent, and must have acquired experience in environment and natural resources management, conservation and utilization work for at least five (5) years immediately preceding the date of appointment.

The appointment of a City Environment and Natural Resources Officer shall be optional.

(b) The City Environment and Natural Resources Officer shall receive compensation, emoluments and allowances as may be determined by law.

(c) The City Environment and Natural Resources Officer shall take charge of the City Environment Service Department, and shall:

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

(2) Develop plans and strategies and, upon the approval thereof by the City Mayor, implement the same, particularly those which have to do with the environment and natural resources programs and projects which the City Mayor is empowered to implement and which the *Sangguniang Panlungsod* is empowered to provide;

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

(4) Provide extension services to beneficiaries of forest development projects and technical, financial and infrastructure assistance;

(5) Manage and maintain seed banks and produce seedlings for forest and tree parks;

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

(7) Promote the small-scale mining and utilization of mineral resources, particularly mining of gold;

(8) Coordinate with government agencies and nongovernmental organizations in the implementation of measures to prevent and control land, air and water pollution with the assistance of the Department of Environment and Natural Resources (DENR);

(9) Be in the frontline of the delivery of 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 or calamities;

(10) Recommend measures to the *Sangguniang Panlungsod* and advise the City Mayor on all matters relative to the protection, conservation, maximum utilization, application of appropriate technology and other matters related to the environment and natural resources; and

(11) Perform other duties and functions and exercise other powers as provided for under the Local Government Code of 1991, as amended, and those, that are prescribed by law or ordinance.

SEC. 41. *The City Architect.* – (a) The City Architect must be a citizen of the Philippines, a resident of the City of Malay, of good moral character, a duly licensed architect, and must have practiced the profession for at least five (5) years immediately preceding the date of appointment.

The appointment of a City Architect shall be optional.

(b) The City Architect shall receive compensation, emoluments and allowances as may be determined by law.

(c) The City Architect shall take charge of the Office of the Architectural Planning and Design, and shall:

(1) Formulate measures for the consideration of the *Sangguniang Panlungsod* and provide technical assistance and support to the City Mayor in carrying out measures to ensure the delivery of basic services and the provision of adequate facilities relative to architectural planning and design;

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

(3) Prepare and recommend for consideration of the *Sanggunian* the architectural plan and design for the local government unit or a part thereof including the removal of slums and blighted areas, land reclamation activities, the greening of land and appropriate planning of marine and foreshore areas;

(4) Review and recommend for appropriate action of the *Sanggunian* or the City Mayor, as the case may be, the architectural plans and designs submitted by governmental and nongovernmental entities or individuals, particularly those for undeveloped, underdeveloped and poorly designed areas;

(5) Coordinate with government and nongovernment entities and individuals involved in the aesthetics and maximum utilization of the land and water within the jurisdiction of the government unit, compatible with the environmental integrity and ecological balance;

(6) Be in the frontline of the delivery of 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 disasters or calamities;

(7) Recommend to the *Sangguniang Panlungsod* and advise the City Mayor on all other matters relative to architectural planning and design as it relates to the total socioeconomic development of the City; and

(8) Perform other duties and functions and exercise other powers as provided for under the Local Government Code of 1991, as amended, and those that are prescribed by law or ordinance.

SEC. 42. *The City Information Officer.* – (a) The City Information Officer must be a citizen of the Philippines, a resident of the City of Malay, of good moral character, a holder of a college degree preferably in journalism, mass communication or in any related course obtained from a recognized college or university, a first grade civil service eligible or its equivalent, and must have acquired experience in writing articles and research papers, or writing for print, television or broadcast media for at least three (3) years immediately preceding the date of appointment.

The appointment of a City Information Officer shall be optional.

The term of the City Information Officer is coterminous with that of his or her appointing authority.

(b) The City Information Officer shall receive compensation, emoluments and allowances as may be determined by law.

(c) The City Information Officer shall take charge of the City Information and Community Relations Department, and shall:

(1) Formulate measures for the consideration of the *Sangguniang Panlungsod* and provide technical assistance and support to the City Mayor in providing the information and research data required for the delivery of basic services and the provision of adequate facilities so that the public becomes aware of said services and may fully avail of the same;

- (2) Develop plans and strategies and, upon the approval thereof by the City Mayor, implement the same, particularly those which have to do with public information and research data to support programs and projects which the City Mayor is empowered to implement and which the *Sangguniang Panlungsod* is empowered to provide;
- (3) Provide relevant, adequate and timely information to the local government unit and its residents;
- (4) Furnish information and data on local government agencies or offices as may be required by law or ordinance; and nongovernmental organizations to be furnished to said agencies and organizations;
- (5) Maintain effective liaison with the various sectors of the community on matters and issues that affect the livelihood and the quality of life of the inhabitants and encourage support for programs of the local and national government;
- (6) Be in the frontline in providing information during and in the aftermath of man-made and natural disasters or calamities, with special attention to the victims thereof, to help minimize injuries and casualties after the emergency, and to accelerate relief and rehabilitation;
- (7) Recommend to the *Sangguniang Panlungsod* and advise the City Mayor on all other matters relative to public information and research data as it relates to the total socioeconomic development of the City; and
- (8) Perform other duties and functions and exercise other powers as provided for under the Local Government Code of 1991, as amended, and those that are prescribed by law or ordinance.

SEC. 43. *The City Cooperatives Officer.* – (a) The City Cooperatives Officer must be a citizen of the Philippines, a resident of the City of Malay, of good moral character, a holder of a college degree preferably in business administration with special training on cooperatives or in any related course obtained from a recognized college or university, a first grade civil service eligible or its equivalent, and must have acquired experience in cooperatives organization and management for at least five (5) years immediately preceding the date of appointment.

The appointment of a City Cooperatives Officer shall be optional.

(b) The City Cooperatives Officer shall receive compensation, emoluments and allowances as may be determined by law.

(c) The City Cooperatives Officer shall take charge of the Office for the Development of Cooperatives, and shall:

(1) Formulate measures for the consideration of the *Sangguniang Panlungsod* and provide technical assistance and support to the City Mayor in carrying out measures

to ensure the delivery of basic services and the provision of facilities through the development of cooperatives and in providing access to such services and facilities;

(2) Develop plans and strategies and, upon the approval thereof by the City Mayor, implement the same, particularly those which have to do with the integration of cooperatives principles and methods in programs and projects which the City Mayor is empowered to implement and which the *Sangguniang Panlungsod* is empowered to provide;

(3) Assist in the organization of cooperatives;

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

(5) Assist cooperatives in establishing linkages with government agencies and nongovernmental, organizations involved in the promotion and integration of the concept of cooperatives in the livelihood of the people and other community activities;

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

(7) Recommend to the *Sangguniang Panlungsod* and advise the City Mayor on all other matters relative to cooperatives development and viability enhancement which will improve the livelihood and the quality of life of the inhabitants; and

(8) Perform other duties and functions and exercise other powers as provided for under the Local Government Code of 1991, as amended, and those that are prescribed by law or ordinance.

SEC. 44. *The City Population Officer.* – (a) The City Population Officer must be a citizen of the Philippines, a resident of the City of Malay, of good moral character, a holder of a college degree preferably with specialized training in population development obtained from a recognized college or university, a first grade civil service eligible or its equivalent, and must have acquired experience in the implementation of programs on population development or responsible parenthood for at least five (5) years immediately preceding the date of appointment.

The appointment of a City Population Officer shall be optional.

(b) The City Population Officer shall receive compensation, emoluments and allowances as may be determined by law.

(c) The City Population Officer shall take charge of the Office of the Population Development, and shall:

(1) Formulate measures for the consideration of the *Sangguniang Panlungsod* and provide technical assistance and support to the City Mayor in carrying out measures to ensure the delivery of basic services and the 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 the approval thereof by the City Mayor, implement the same, particularly those which have to do with the integration of population development principles and methods in programs and projects which the City Mayor is empowered to implement and which the *Sangguniang Panlungsod* is empowered to provide;

(3) Assist the City Mayor in the implementation of the constitutional provisions relative to population development and the promotion of responsible parenthood;

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

(5) Implement appropriate training programs responsive to the cultural heritage of the inhabitants; and

(6) Perform other duties and functions and exercise other powers as provided for under the Local Government Code of 1991, as amended, and those that are prescribed by law or ordinance.

SEC. 45. *The City Agriculturist.* – (a) The City Agriculturist must be a citizen of the Philippines, a resident of the City, of Malay, of good moral character, a holder of a college degree preferably in agriculture or in any other related course obtained from a recognized college or university, a first grade civil service eligible or its equivalent, and must have practiced the profession in agriculture or acquired experience in a related field for at least five (5) years immediately preceding the date of appointment.

The appointment of a City Agriculturist Officer shall be optional.

(b) The City Agriculturist shall receive compensation, emoluments and allowances as may be determined by law.

(c) The City Agriculturist shall take charge of the Office of the Agricultural Services, and shall:

(1) Formulate measures for the approval of the *Sangguniang Panlungsod* and provide technical assistance and support to the City Mayor in carrying out measures to ensure the delivery of basic services and the provision of adequate facilities relative to agricultural services;

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

programs and projects which the City Mayor is empowered to implement and which the *Sangguniang Panlungsod* is empowered to provide;

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

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

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

(iii) Assist the City Mayor in the establishment and extension services of demonstration farms on aquaculture and marine products;

(iv) Enforce rules and regulations relating to agriculture and aquaculture; and

(v) Coordinate with government agencies and nongovernmental organizations, which promote agricultural productivity through applied technology compatible with environmental integrity.

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

(5) Recommend to the *Sangguniang Panlungsod* and advise the City Mayor on all other matters related to agriculture and aquaculture which will improve the livelihood and the living conditions of the inhabitants; and

(6) Perform other duties and functions and exercise other powers as provided for under the Local Government Code of 1991, as amended, and those that are prescribed by law or ordinance.

## ARTICLE VIII

### THE CITY FIRE STATION SERVICE, THE CITY JAIL SERVICE, THE CITY SCHOOLS DIVISION AND THE CITY PROSECUTION OFFICE

SEC. 46. *The City Fire Station Service.* – (a) There shall be established in the City at least one (1) fire station with adequate personnel, firefighting facilities and equipment, subject to the standards, rules and regulations that may be promulgated by the Department of the Interior and Local Government (DILG). The City shall provide the necessary land or site of the station.

(b) The city fire station shall be headed by a City Fire Marshal whose qualifications shall be as those provided for under Republic Act No. 9263, as amended, otherwise

known as the “Bureau of Fire Protection and Bureau of Jail Management and Penology Professionalization Act of 2004”.

(c) The city fire station shall be responsible for providing emergency services, such as the rescue and evacuation of injured people related to incidents and, in general, all fire prevention and suppression measures to secure the safety of life and property of the citizenry.

SEC. 47. *The City Jail Service.* – (a) There shall be established and maintained in the City a secured, clean, adequately equipped and sanitary jail for the custody and safekeeping of prisoners, any fugitive from justice, or person detained awaiting investigation or trial and/or violent mentally ill person who endangers oneself or the safety of others, duly certified as such by the proper medical health officer, pending the transfer to a mental institution.

(b) The city jail service shall be headed by a City Jail Warden whose qualifications shall be as those provided for under Republic Act No. 9263, as amended, otherwise known as the “Bureau of Fire Protection and Bureau of Jail Management and Penology Professionalization Act of 2004”. One shall assist in the immediate rehabilitation of individuals or detention prisoners. Great care must be exercised so that human rights of these prisoners are respected and protected, and their spiritual and physical well-being are properly and promptly attended to.

SEC. 48. *The City Schools Division.* – (a) There shall be established and maintained by the Department of Education (DepED), a city schools division of the City of Malay whose area of jurisdiction will cover all the school districts within the City.

(b) The city schools division shall be headed by a City Schools Division Superintendent who must possess the necessary qualifications required by the DepED.

SEC. 49. *The City Prosecution Service.* – (a) There shall be established in the City, a city prosecution service to be headed by a City Prosecutor and such number of assistant city prosecutors, as may be necessary, who shall be organizationally part of the Department of Justice (DOJ), and under the supervision and control of the Secretary of Justice and whose qualifications, manner of appointment, rank, salary and benefits shall be governed by existing laws covering prosecutors in the DOJ.

(b) The City Prosecutor shall handle the criminal prosecution in the municipal trial courts in the City as well as in the regional trial courts for criminal cases originating in the territory of the City, and shall render to or for the City such services as are required by law, ordinance or regulation of the DOJ.

The Secretary of Justice shall always ensure the adequacy and the quality of prosecution service in the City and, for this purpose, shall, in the absence, lack or insufficiency in number of assistant city prosecutors as provided hereinabove, designate from among the assistant provincial prosecutors a sufficient number to

perform and discharge the functions of the City Prosecution Service as provided hereinabove.

## ARTICLE IX

### TRANSITORY AND FINAL PROVISIONS

SEC. 50. *Municipal Ordinances Existing at the Time of the Approval of this Act.* – All municipal ordinances of the Municipality of Malay existing at the time of the approval of this Act shall continue to be in force within the City of Malay until the *Sangguniang Panlungsod* shall declare otherwise.

SEC. 51. *Plebiscite.* – The City of Malay shall acquire corporate existence upon the ratification of its creation by a majority of the votes cast by the qualified voters in a plebiscite to be conducted in the present Municipality of Malay within one hundred twenty (120) days from the approval of this Act. The Commission on Elections (COMELEC) shall conduct and supervise such plebiscite.

The expenses for the plebiscite shall be borne by the Municipality of Malay.

SEC. 52. *Officials of the City of Malay.* – The present elective officials of the Municipality of Malay shall continue to exercise their powers and functions until such time that a new election is held and the duly-elected officials shall have already qualified and assumed their offices. Appointive officials and employees of the municipality shall likewise continue exercising their functions and duties and they shall be automatically absorbed by the city government of the City of Malay.

SEC. 53. *Succession Clause.* – The City of Malay shall succeed to all the assets, properties, liabilities and obligations of the Municipality of Malay.

SEC. 54. *Election of Provincial Governor and Sangguniang Panlalawigan Members of the Province of Aklan.* – The qualified voters of the City of Malay shall be qualified to vote and run for any elective position in the elections for provincial governor, provincial vice governor, *Sangguniang Panlalawigan* members and other elective officials for the Province of Aklan.

SEC. 55. *Jurisdiction of the Province of Aklan.* – The City of Malay shall, unless otherwise provided by law, continue to be under the jurisdiction of the Province of Aklan.

SEC. 56. *Suspension of Increase in Rates of Local Taxes.* – No increase in the rates of local taxes shall be imposed by the City within the period of five (5) years from its acquisition of corporate existence.

SEC. 57. *Legislative District.* – Until otherwise provided by law, the City of Malay shall continue to be a part of the Sixth Legislative District of the Province of Aklan.

SEC. 58. *Applicability of Laws.* – The provisions of the Local Government Code of 1991, as amended, other laws pertaining to the Province of Aklan and such laws as are applicable shall govern the City of Malay insofar as these are not inconsistent with the provisions of this Act.

SEC. 59. *Separability Clause.* – If, for any reason or reasons, any part or provision of this Charter shall be held unconstitutional, invalid or inconsistent with the Local Government Code of 1991, as amended, the other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 60. *Effectivity.* – This Act shall take effect fifteen (15) days after its complete publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,