

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
1st Regular Session

HOUSE BILL NO. **2336**



Introduced by Rep. JOHNNY PIMENTEL

EXPLANATORY NOTE

1 In June 19, 1960, the new and independent province of Surigao del Sur
2 was inaugurated. This event marked the culmination of a long clamor for self-
3 government and representation by the people of Surigao del Sur in a time when
4 it was still part of the undivided Surigao province, where the voice of its peoples
5 was rarely represented. With an indomitable spirit and unyielding efforts, the
6 representatives hailing from Surigao del Sur succeeded in the campaign for
7 self-governance through Republic Act 2786.

8
9 It was the father of the undersigned – Vicente Luna Pimentel, Sr. – who
10 took the reins in being the first Representative of Surigao del Sur in the 5th
11 Congress; an honor that continues to be held dearly by our family of public
12 servants. This event ushered a new era to which Surigaonons of Surigao del
13 Sur were able to fully commit and participate in the principles of democracy,
14 self-determination and self-government.

15
16 Surigao del Sur's rich history does not only go back as far as its formation
17 as an independent province in 1960. Its rich history dates even beyond that.
18 As early as the Spanish colonization era over 412 years ago, the territory we
19 call Surigao del Sur now used to house the Royal Spanish bastion ("*The Royal*
20 *Fort of Saint Joseph*") which solidified the government and religious presence
21 in Mindanao.

Our Surigaonon ancestors were the first to convert and embrace modern government in island. Needless to say, Surigaonons were no strangers to fighting for freedom. The people of Surigao del Sur never shied away from our struggle for independence against foreign powers, be it against Colonial Spain, Colonial America and Imperial Japan.

Today, the Province of Surigao del Sur stands with two Legislative Districts representing its people belonging in two distinct and separate ethno-linguistic groups. It is evident that the District (the 2nd District) to which this humble representative holds office is blessed with the majority of *Kinamayo*-speakers, which serves as the native home of this ethno-linguistic group. It has become apparent that our community itself is now in need of a fuller and more extensive participation to the principles of democracy, self-determination and self-government – the establishment of its own Provincial government.

This measure proposes the creation of a distinct, independent and separate province consisting of the municipalities of Lianga, Barobo, Tagbina, Hinatuan, and Lingig and the city of Bislig. It shall be known as *Surigao Oriental*.

Section 461 of the Local Government Code provides the necessities needed to create a new Province, being: i) Php 20 Million income for the last two consecutive years; and ii) a population of 250 thousand OR contiguous land area of 2000 square kilometers (this requisite being in the alternative). It is also required that the creation should not reduce the land area, population and income of the original local government unit.

The requirements which necessitate the creation of a new province are met for our case. For the **first requisite**, the total income for our local governments that would comprise *Surigao Oriental* already amounts to over a billion pesos in the years 2019 and 2020. This is further bolstered by the income figures of year 2021. For the **second requisite**, the 2020 Philippine census reveals that

1 the population of the component local government units in this measure is
2 306,339; well above the required minimum population. Since the minimum
3 population and the land area requirement are alternative conditions as posited
4 in *Aquino III v. Comelec*, the alternative that is the population requirement
5 fulfills the same.

6

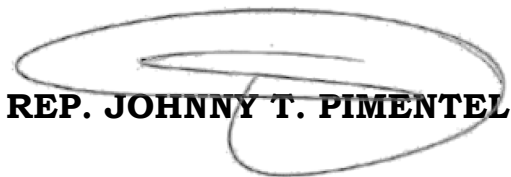
7 Furthermore, the creation of the Province of *Surigao Oriental* also does not
8 reduce the present land area, population and income of the Province of Surigao
9 del Sur. With the creation of the new province, Surigao del Sur still boasts a
10 land area of 3,249.52 square kilometers, a population of 335,916, and an
11 income well above the required Php 20 Million.

12

13 The undersigned stands as a steward for the people of Surigao del Sur who
14 hold and cherish their own ethnic identity as manifested by its unique ethno-
15 linguistic collective. Where the requirements of the creation of its own local
16 government is plausible, it would be a disservice to my people should our
17 august body were to deny them of their own provincial identity.

18

19 The passage of this measure is earnestly sought.



REP. JOHNNY T. PIMENTEL

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EXPLANATORY NOTE

AN ACT CREATING THE PROVINCE OF SURIGAO ORIENTAL

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

ARTICLE I

GENERAL PROVISIONS

1 SECTION 1. *Title.* – This Act shall be known as the “Charter of the Province
2 of Surigao Oriental”.

3 SEC. 2. *Province of Surigao Oriental.* – There is hereby created a new
4 province from the present Province of Surigao del Sur to be known as the
5 Province of Surigao Oriental, consisting of the municipalities of Lianga, Barobo,
6 Tagbina, Hinatuan, and Lingig and the city of Bislig.

7 The territorial jurisdiction of the Province of Surigao Oriental shall be
8 within the present metes and bounds of all the municipalities and city that
9 comprise the Province of Surigao Oriental.

10 SEC. 3. *Capital Town and Seat of Government.* – The capital town and seat
11 of government of the new Province of Surigao Oriental shall be the City of Bislig.

12 SEC. 4. *Corporate Powers of the Province.* – The province constitutes a
13 political body corporate and as such is endowed with the attributes of perpetual
14 succession and possessed of the powers which pertain to a provincial
15 corporation to be exercised in conformity with the provisions of this Charter.

1 The province shall have the following corporate powers:

- 2 (a) To have a continuous succession in its corporate name;
- 3 (b) To sue and be sued;
- 4 (c) To have and use a corporate seal;
- 5 (d) To acquire, hold and convey real or personal property;
- 6 (e) To enter into contracts and/or agreements; and
- 7 (f) To exercise such other powers, prerogatives or authority subject to
- 8 the limitations provided in this Act or other laws.

9 SEC. 5. *General Powers.* – The province shall have a common seal and
 10 may alter the same at its pleasure: *Provided*, That any change of corporate seal
 11 shall be registered with the Department of the Interior and Local Government
 12 (DILG). It shall exercise the powers to levy taxes; to close and open roads,
 13 streets, alleys, parks or squares; to take, purchase, receive, hold, lease, convey
 14 and dispose of real and personal property for the general interests of the
 15 province; to expropriate or condemn private property for public use; to contract
 16 and to be contracted with; to sue and be sued; to prosecute and defend to final
 17 judgment and execution suits wherein the province is involved or interested in
 18 and to exercise all the powers as are granted to corporations or as hereinafter
 19 granted.

20 SEC. 6. *Liability for Damages.* – The province and its officials shall not be
 21 exempt from liability for death or injury to persons or damage to property.

22 SEC. 7. *Legislative District.* – The Province of Surigao Oriental shall have
 23 its own legislative district to commence in the next national and local elections
 24 after the effectivity of this Charter.

25 The incumbent Representatives of the present Province of Surigao del Sur
 26 shall continue to represent their respective legislative districts until the
 27 expiration of their term of office.

28 ARTICLE II

29 PROVINCIAL OFFICIALS IN GENERAL

30 SEC. 8. *Officials of the Provincial Government.* – (a) There shall be in the
 31 Province of Surigao Oriental: a provincial governor, a provincial vice governor,
 32 the regular members of the sangguniang panlalawigan, a secretary to the
 33 sangguniang panlalawigan, a provincial treasurer, a provincial assessor, a

provincial accountant, a provincial budget officer, a provincial planning and development coordinator, a provincial engineer, a provincial health officer, a provincial civil registrar, a provincial administrator, a provincial legal officer, a provincial agriculturist, a provincial social welfare and development officer, a provincial environment and natural resources officer, a provincial veterinarian, a provincial general services officer and a provincial cooperatives officer.

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

(c) The sangguniang panlalawigan may:

(1) Maintain existing offices not mentioned in subsections (a) and (b) hereof;

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

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

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

SEC. 9. *Residence and Office.* – During the incumbency of the provincial governor, he shall have his official residence and office in the designated capital of the province. All elective and appointive provincial officials shall hold office in the provincial capital: *Provided, That,* upon the resolution of the sangguniang panlalawigan, elective and appointive provincial officials may hold office in any component city or municipality within the province for a period of not more than seven (7) days for any given month.

ARTICLE III

ELECTIVE PROVINCIAL OFFICIALS

SEC. 10. *The Provincial Governor.* – (a) The provincial governor, as the chief executive of the provincial government, shall exercise such powers and

1 perform such duties and functions as provided for in the Local Government
2 Code of 1991, as amended, and other laws.

3 (b) For efficient, effective and economical governance, the purpose of which
4 is the general welfare of the province and its inhabitants pursuant to Section
5 16 of the Local Government Code of 1991, as amended, the provincial governor
6 shall:

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

10 (i) Determine the guidelines of provincial policies and be responsible
11 to the sangguniang panlalawigan for the program of the government;

12 (ii) Direct the formulation of the provincial development plan, with the
13 assistance of the provincial development council and, upon approval thereof by
14 the sangguniang panlalawigan, implement the same;

15 (iii) Present the program of government and propose policies and
16 projects for the consideration of the sangguniang panlalawigan at the opening
17 of the regular session of the sangguniang panlalawigan every calendar year and
18 as often as may be deemed necessary as the general welfare of the inhabitants
19 and the needs of the provincial government may require;

20 (iv) Appoint all officials and employees whose salaries and wages are
21 wholly or mainly paid out of provincial funds and whose appointments are not
22 otherwise provided for in this Act as well as those he may be authorized by law
23 to appoint except those who are to be appointed by the provincial vice governor
24 as provided in Section 11 hereof;

25 (v) Represent the province in all its business transactions and sign in
26 its behalf all bonds, contracts and obligations, and such other documents upon
27 the authority of the sangguniang panlalawigan or pursuant to law or ordinance;

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

30 (vii) Determine the time, manner and place of payment of salaries or
31 wages of the provincial officials and employees, in accordance with law or
32 ordinance;

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

(ix) Ensure that all executive officials and employees of the province 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 province who may have committed an offense in the performance of his official duties;

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

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

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

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

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

(xv) Call upon any national official or employee stationed in or assigned to the province to advise him on matters affecting the province and to make recommendations thereon; coordinate with the said official or employee in the formulation and implementation of plans, programs and projects; and, when

1 appropriate, initiate an administrative or judicial action against a national
2 government official or employee who may have committed an offense in the
3 performance of his duties while stationed in or assigned to the province;

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

8 (xvii) Represent the province in inter-provincial or regional sports
9 councils or committees, and coordinate the efforts of component cities or
10 municipalities in the regional or national palaro or sports development
11 activities;

12 (xviii) Conduct an annual palarong panlalawigan, which shall feature
13 traditional sports and disciplines included in national and international games,
14 in coordination with the Department of Education (DepED); and

15 (xix) Submit to the Office of the President the following reports: an
16 annual report containing a summary of all matters pertinent to the
17 management, administration and development of the province and all
18 information and data relative to its political, social and economic conditions;
19 and supplemental reports when unexpected events and situations arise at any
20 given time during the year, particularly when man-made and natural disasters
21 or calamities affect the general welfare of the province, region or country;

22 (2) Enforce all laws and ordinances relative to the governance of the
23 province and the exercise of the appropriate corporate powers as provided for
24 in Section 22 of the Local Government Code of 1991, as amended; implement
25 all approved policies, programs, projects, services and activities of the province;
26 and, in addition to the foregoing, shall:

27 (i) Ensure that the acts of the component cities and municipalities of
28 the province and of its officials and employees are within the scope of their
29 prescribed powers, duties and functions;

30 (ii) Call conventions, conferences, seminars or meetings of any elective
31 and appointive officials of the province and its component cities and
32 municipalities, including national officials and employees stationed in or
33 assigned to the province, at such time and place and on such subject as he

1 may deem important for the promotion of the general welfare of the province
2 and its inhabitants;

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

5 (iv) Be entitled to carry the necessary firearm within his territorial
6 jurisdiction;

7 (v) In coordination with the mayors of component cities and
8 municipalities and the National Police Commission, formulate the peace and
9 order plan of the province and, upon its approval, implement the same in
10 accordance with Republic Act No. 6975; and

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

16 (3) Initiate and maximize the generation of resources and revenues, and
17 apply the same to the implementation of development plans, program objectives
18 and priorities as provided for under Section 18 of the Local Government Code
19 of 1991, as amended, particularly those resources and revenues programmed
20 for agro-industrial development and countrywide growth and progress and,
21 relative thereto, shall:

22 (i) Require each head of an office or department to prepare and submit
23 an estimate of appropriations for the ensuing calendar year, in accordance with
24 the budget preparation process under Title V, Book II of the Local
25 Government Code of 1991, as amended;

26 (ii) Prepare and submit to the sangguniang panlalawigan for approval
27 the executive and supplemental budgets of the province for the ensuing
28 calendar year in the manner provided for under Title V, Book II of the Local
29 Government Code of 1991, as amended;

30 (iii) Ensure that all taxes and other revenues of the province are
31 collected, and that provincial funds are applied to the payment of expenses and
32 the settlement of obligations of the province, in accordance with law or
33 ordinance;

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

4 (v) Adopt adequate measures to safeguard and conserve land, mineral,
5 marine, forest and other resources of the province, in coordination with the
6 mayors of component cities and municipalities;

7 (vi) Provide efficient and effective property and supply management in
8 the province; and protect the funds, credits, rights and other properties of the
9 province; and

10 (vii) Institute or cause to be instituted administrative or judicial
11 proceedings for violations of ordinances in the collection of taxes, fees or
12 charges, and for the recovery of funds and property, and cause the province to
13 be defended against all suits to ensure that its interests, resources and rights
14 shall be adequately protected;

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

18 (i) Ensure that the construction and repair of roads and highways
19 funded by the national government shall be, as far as practicable, carried out
20 in a spatially contiguous manner and in coordination with the construction
21 and repair of the roads and bridges of the province and of its component cities
22 and municipalities; and

23 (ii) Coordinate the implementation of technical services by national
24 offices for the province and its component cities and municipalities, including
25 public works and infrastructure programs of the provincial government and its
26 component cities and municipalities; and

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

29 The provincial governor shall receive a minimum monthly
30 compensation corresponding to Salary Grade Thirty (30) as prescribed under
31 Republic Act No. 6758, as amended, and the implementing guidelines issued
32 pursuant thereto.

1 SEC. 11. *The Provincial Vice Governor.* – (a) The provincial vice governor
2 shall:

3 (1) Be the presiding officer of the sangguniang panlalawigan and sign
4 all warrants drawn on the provincial treasury for all expenditures appropriated
5 for the operation of the sangguniang panlalawigan;

6 (2) Subject to civil service law, rules and regulations, appoint all
7 officials and employees including the secretary of the sangguniang
8 panlalawigan and such employees of the individual members of the
9 sangguniang panlalawigan, except those whose manner of appointment is
10 specifically provided for under existing laws;

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

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

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

19 (b) The provincial vice governor shall receive a monthly compensation
20 corresponding to Salary Grade Twenty-eight (28) as prescribed under Republic
21 Act No. 6758, as amended, and the implementing guidelines issued pursuant
22 thereto.

23 ARTICLE IV

24 THE SANGGUNIANG PANLALAWIGAN

25 SEC. 12. *Composition.* – (a) The sangguniang panlalawigan, the legislative
26 body of the province, shall be composed of the provincial vice governor as
27 presiding officer, ten (10) regular sangguniang panlalawigan members, the
28 president of the provincial chapter of the liga ng mga barangay, the president
29 of the panlalawigan na pederasyon ng mga sangguniang kabataan, the
30 president of the provincial federation of sanggunian members of municipalities
31 and the sectoral representatives, as members.

32 (b) In addition thereto, there shall be three (3) sectoral representatives
33 who shall come from the following sectors: one (1) from the women sector; and,

as shall be determined by the sanggunian concerned 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 the urban poor, indigenous cultural communities or persons with disability.

(c) The regular members of the sangguniang panlalawigan and the sectoral representatives shall be elected in the manner as provided for by law, and shall receive a monthly compensation corresponding to Salary Grade Twenty-seven (27) as prescribed under Republic Act No. 6758, as amended, and the implementing guidelines issued pursuant thereto.

SEC. 13. *Powers, Duties, Functions and Compensation.* – (a) The sangguniang panlalawigan, as the legislative body of the province, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the province 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 province as provided for under Section 22 of the Local Government Code of 1991, as amended, and shall:

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

(i) Review all ordinances approved by the sanggunians of component cities and municipalities and executive orders issued by the mayors of said component units to determine whether these are within the scope of the prescribed powers of the sanggunian and of the mayor;

(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 said ordinances;

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

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

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

9 (vi) Protect the environment and impose appropriate penalties for acts
10 which endanger the environment, such as dynamite fishing and other forms of
11 destructive fishing, illegal logging and smuggling of logs, smuggling of natural
12 resources products and of endangered species of flora and fauna, slash-and-
13 burn farming and such other activities which result in pollution, acceleration
14 of eutrophication of rivers and lakes, or of ecological imbalance;

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

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

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

26 (x) Provide a mechanism and the appropriate funds therefore to ensure
27 the safety and protection of all provincial government properties, public
28 documents or records such as those relating to property inventory, land
29 ownership, records of births, marriages, deaths, assessments, taxation,
30 accounts, business permits and such other records and documents of public
31 interest in the offices and departments of the provincial government;

32 (xi) When the finances of the provincial government allow, provide for
33 additional allowances and other benefits to judges, prosecutors, public

1 elementary and high school teachers, and other national government officials
2 stationed in or assigned to the province;

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

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

13 (2) Generate and maximize the use of resources and revenues for the
14 development plans, program objectives and priorities of the province as
15 provided for under Section 18 of the Local Government Code of 1991, as
16 amended, with particular attention to agro-industrial development and
17 countrywide growth and progress and, relative thereto, shall:

18 (i) Enact the annual and supplemental appropriations of the provincial
19 government and appropriate funds for specific programs, projects, services and
20 activities of the province, or for other purposes not contrary to law, in order to
21 promote the general welfare of the province and its inhabitants;

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

27 (iii) Subject to the provisions of Book II of the Local Government Code
28 of 1991, as amended, and applicable laws and, upon the majority vote of all
29 the members of the sangguniang panlalawigan, authorize the provincial
30 governor to negotiate and contract loans and other forms of indebtedness;

31 (iv) Subject to the provisions of Book II of the Local Government Code
32 of 1991, as amended, and applicable laws and, upon the majority vote of all
33 the members of the sangguniang panlalawigan, enact ordinances authorizing

1 the floating of bonds or other instruments of indebtedness for the purpose of
2 raising funds to finance development projects;

3 (v) Appropriate funds for the construction and maintenance or the
4 rental of buildings for the use of the province and, upon the majority vote of all
5 the members of the sangguniang panlalawigan, authorize the provincial
6 governor to lease to private parties such public buildings held in a proprietary
7 capacity, subject to existing laws, rules and regulations;

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

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

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

15 (ix) Adopt measures to enhance the full implementation of the national
16 agrarian reform program in coordination with the Department of Agrarian
17 Reform (DAR);

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

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

32 (xii) Subject to the provisions of Book II of the Local Government Code
33 of 1991, as amended, grant the exclusive privilege of constructing fish corrals

1 or fish pens, or the taking or catching of bangus fry, prawn fry or kawag-kawag,
2 or fry of any species of fish within the provincial waters;

3 (xiii) With the concurrence of at least two-thirds (2/3) of all the members
4 of the sangguniang panlalawigan, grant tax exemptions, incentives or reliefs to
5 entities engaged in community growth-inducing industries, subject to the
6 provisions of the Local Government Code of 1991, as amended;

7 (xiv) Grant loans or provide grants to other LGUs or to national,
8 provincial, city and municipal charitable, benevolent or educational
9 institutions operated and maintained within the province;

10 (xv) Regulate the numbering of residential, commercial and other
11 buildings; and

12 (xvi) Regulate the inspection, weighing and measuring of articles of
13 commerce;

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

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

21 (ii) Regulate and fix license fees for any business or practice of
22 profession within the province and the conditions under which the license for
23 the said business or practice of profession may be revoked and enact
24 ordinances levying taxes thereon;

25 (iii) Provide for and set the terms and conditions under which public
26 utilities owned by the province shall be operated by the provincial government
27 and prescribe the conditions under which the same may be leased to private
28 persons or entities, preferably cooperatives;

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

32 (v) Any law to the contrary notwithstanding, authorize and license the
33 establishment, operation and maintenance of cockpits, and regulate

1 cockfighting and commercial breeding of gamecocks: *Provided*, That the
 2 existing rights should not be prejudiced;

3 (vi) Subject to the guidelines prescribed by the Department of
 4 Transportation and Communications, regulate the operation of tricycles and
 5 grant franchises for the operation thereof within the territorial jurisdiction of
 6 the province; and

7 (vii) Upon approval by a majority vote of all the members of the sangguniang
 8 panlalawigan, grant a franchise to any person, partnership, corporation or
 9 cooperative to do business within the province; establish, construct, operate
 10 and maintain ferries, wharves, markets or slaughterhouses; or undertake such
 11 other activities within the province as may be allowed by existing laws;

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

15 (i) Declare, prevent or abate nuisance;

16 (ii) With the concurrence of a majority of the members of the
 17 sangguniang panlalawigan, a quorum being present, deny the entry of legalized
 18 gambling by ordinance into any part of the province or regulate its location in
 19 the province;

20 (iii) Require that buildings and the premises thereof and any land
 21 within the province be kept and maintained in a sanitary condition; impose
 22 penalties for any violation thereof or, upon failure to comply with such
 23 requirements, have the work done at the expense of the owner, administrator
 24 or tenant concerned; and require the filling up of any land or premises to a
 25 grade necessary for proper implementation;

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

28 (v) Regulate the establishment, operation and maintenance of cafes;
 29 bars; restaurants; beer, wine and liquor stores; hotels; motels; inns; pension
 30 houses; dorms; lodging houses and other similar establishments, including
 31 tour guides and transportation service;

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

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

(viii) Regulate the establishment, operation and maintenance of any entertainment or amusement facilities, including the theatrical and stage performances, circuses, billiard halls, public dancing halls, computer gaming cafes and bars, health and fitness spas, 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;

(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;

(x) Regulate the establishment, service, operation and maintenance of gyms, sports centers, health and fitness spas, similar centers and parlors, subject to existing laws, rules and regulations; and

(xi) 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;

(5) Approve ordinances which shall ensure the efficient and effective delivery of basic services and facilities as provided for in Section 17 of 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 communal forests and watersheds, tree parks, greenbelts, mangroves and other similar forest development projects;

(ii) Establish markets, slaughterhouses or animal corrals and authorize the operation thereof by the provincial government; and regulate the

1 construction and operation of private markets, talipapas or other similar
2 buildings and structures;

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

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

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

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

21 (vii) Subject to existing laws, establish and provide for the maintenance,
22 repair and operation of an efficient waterworks system to supply water for the
23 inhabitants and to purify the source of the water supply; regulate the
24 construction, maintenance, repair and use of hydrants, pumps, cisterns and
25 reservoirs; protect the purity and quantity of the water supply of the province
26 and, for this purpose, extend the coverage of appropriate ordinances over all
27 territory within the drainage area of the said water supply and within one
28 hundred meters (100 m.) of the reservoir, canal, conduit, aqueduct, pumping
29 station or watershed used in connection with the water service; and regulate
30 the consumption, use or wastage of water and fix and collect charges therefor;

31 (viii) Regulate the drilling and excavation of the ground for ground water
32 source, laying of water, gas, sewer and other pipes, and the construction, repair
33 and maintenance of public drains, sewers, cesspools, tunnels and similar

1 structures; regulate the placing of poles and the use of crosswalks, curbs and
2 gutters; adopt measures to ensure public safety against open canals,
3 manholes, live wires and other similar hazards to life and property; and
4 regulate the construction and use of private water closets, privies and other
5 similar structures in buildings and homes;

6 (ix) Regulate the placing, stringing, attaching, installing, repair and
7 construction of all gas mains, electric telegraph and telephone wires and
8 cables, conduits, meters, support structures and other similar apparatus; and
9 provide for the correction, condemnation and removal of the same when found
10 to be dangerous to the welfare of the inhabitants;

11 (x) Subject to the availability of funds and to existing laws, rules and
12 regulations, provide for the establishment and operation of vocational and
13 technical schools and similar post-secondary institutions and, with the
14 approval of the DepED and subject to existing laws on tuition fees, fix
15 reasonable tuition fees and other school charges in educational institutions
16 supported by the provincial government;

17 (xi) Establish an education and training scholarship fund for the poor
18 but deserving constituents in schools located within its jurisdiction or for
19 students residing within the province;

20 (xii) Approve measures and adopt quarantine regulations to prevent the
21 introduction and the spread of diseases within its territorial jurisdiction;

22 (xiii) Provide for the care of paupers, the aged, the sick, persons of
23 unsound mind, abandoned minors, abused children, disabled persons, juvenile
24 delinquents, drug dependents and other needy and disadvantaged persons,
25 particularly children and youth below eighteen (18) years of age; subject to the
26 availability of funds, establish and support the operation of centers and
27 facilities for the said needy and disadvantaged persons; and facilitate the efforts
28 to promote the welfare of families below the poverty threshold, the
29 disadvantaged and the exploited;

30 (xiv) Establish and provide for the maintenance and improvement of jails
31 and detention centers, institute a sound jail management program and
32 appropriate funds for the subsistence of detainees and convicted prisoners in
33 the province;

(xv) Establish a provincial 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

(xvi) Establish a provincial council for the elderly and veterans which shall formulate policies and adopt measures mutually beneficial to the elderly and to the province; subject to the availability of funds, appropriate funds to support programs and projects for the elderly; and provide incentives for nongovernmental agencies and entities to support the programs and projects of the elderly; and

(6) Exercise such other powers and perform such other duties and functions as provided for under the Local Government Code of 1991, as amended, and as may be prescribed by law or ordinance.

ARTICLE V

PROCESS OF LEGISLATION

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

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

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

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

(3) The legislative process;

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

(5) The discipline of members for disorderly behavior and absences without justifiable cause for four (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) 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. 15. *Full Disclosure of Financial and Business Interests of Sangguniang Panlalawigan Members.* – (a) Every sangguniang panlalawigan member shall, upon assumption to office, make a full disclosure of his business and financial interests. He shall also disclose any business and financial, professional relationship or any relation by affinity or consanguinity within the fourth civil degree, which he may have with any person, firm or entity affected by any ordinance or resolution under consideration by the sanggunian of which he is a member, which relationship may result in conflict of interest. Such relationship shall include:

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

(2) Contracts or agreements with any person or entity which the ordinance or resolution under consideration may affect.

In the absence of a specific constitutional or statutory provision applicable to this situation, “conflict of interest” refers in general to one where it may be reasonably deduced that a member of a sangguniang panlalawigan may not act in the public interest due to some private, pecuniary or other personal considerations that may tend to affect his judgment to the prejudice of the service or the public.

(b) The disclosure required under this Act shall be made in writing and submitted to the secretary of the sanggunian or the secretary of the committee of which he 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 the deliberations on the ordinance or resolution under consideration: *Provided*, That if the member did not participate during the deliberations, the disclosure

1 shall be made before voting on the ordinance or resolution on second and third
2 readings; and

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

6 SEC. 16. *Sessions.* – (a) On the first day of session immediately following
7 the election of its members, the sangguniang panlalawigan shall, by resolution,
8 fix the day, time and place of its regular sessions. The minimum number of
9 regular sessions of the sangguniang panlalawigan shall be once a week.

10 (b) When the public interest so demands, special sessions may be
11 called by the provincial governor or by a majority of the members of the
12 sanggunian.

13 (c) All sanggunian sessions shall be open to the public unless a closed-
14 door session is ordered by an affirmative vote of a majority of the members
15 present, there being a quorum, in the public interest or for reasons of security,
16 decency or morality. No two (2) sessions, regular or special, may be held in a
17 single day.

18 (d) In the case of special sessions of the sanggunian, a written notice
19 to the members shall be served personally at the members' usual place of
20 residence at least twenty-four (24) hours before the special session is held.

21 Unless otherwise concurred in by two-thirds (2/3) vote of the sanggunian
22 members present, there being a quorum, no other matters may be considered
23 at a special session except those stated in the notice.

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

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

31 (b) Where there is no quorum, the presiding officer may declare a
32 recess until such time a quorum is constituted, or a majority of the members

1 present may adjourn from day to day and may compel the immediate
 2 attendance of any member absent without justifiable cause by designating a
 3 member of the sanggunian, to be assisted by a member or members of the
 4 police force assigned in the territorial jurisdiction of the province, to arrest the
 5 absent member and present him at the session.

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

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

18 (b) The veto shall be communicated by the provincial governor to the
 19 sangguniang panlalawigan within fifteen (15) days; otherwise, the ordinance
 20 shall be deemed approved as if he had signed it.

21 SEC. 19. *Veto Power of the Provincial Governor.* – (a) The provincial
 22 governor may veto any ordinance of the sangguniang panlalawigan on the
 23 ground that it is prejudicial to the public welfare, stating his reasons thereof in
 24 writing.

25 (b) The provincial governor shall have the power to veto any particular
 26 item or items of an appropriations ordinance, an ordinance or resolution
 27 adopting a local development plan and public investment program or an
 28 ordinance directing the payment of money or creating liability. In such case,
 29 the veto shall not affect the item or items which are not objected to. The vetoed
 30 item or items shall not take effect unless the sangguniang panlalawigan
 31 overrides the veto in the manner herein provided; otherwise, the item or items
 32 in the appropriations ordinance of the previous year corresponding to those
 33 vetoed, if any, shall be deemed reenacted.

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

ARTICLE VI

SUCCESSION FOR ELECTIVE PROVINCIAL OFFICIALS

SEC. 20. *Permanent Vacancy in the Office of the Provincial Governor.* – (a)

If a permanent vacancy occurs in the office of the provincial governor, the provincial vice governor shall become the provincial governor. If the provincial vice governor refuses to assume the position of provincial governor, the highest ranking sangguniang panlalawigan member shall become the provincial governor. If a permanent vacancy occurs in the office of the provincial vice governor, the highest ranking sangguniang panlalawigan member shall become the provincial vice governor or, in case of his permanent incapacity, the highest ranking sangguniang panlalawigan member shall become the provincial governor or the provincial vice governor, as the case may be. Subsequent vacancies shall be filled automatically by other sanggunian members according to their ranking as defined herein:

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

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

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

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

SEC. 21. *Permanent Vacancies in the Sangguniang Panlalawigan.* – (a)

Permanent vacancies in the sangguniang panlalawigan where automatic

1 succession as provided above does not apply shall be filled by appointments in
2 the following manner:

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

5 (2) Only the nominee of the political party under which the sanggunian
6 member concerned had been elected shall be appointed in the manner herein
7 provided. The appointee shall come from the political party as that of the
8 sanggunian member who caused the vacancy and shall serve the unexpired
9 term of the vacant office.

10 In the appointment herein mentioned, a nomination and a certificate of
11 membership of the appointee from the highest official of the political party
12 concerned are conditions *sine qua non*, and any appointment without such
13 nomination and certification shall be null and void *ab initio* and shall be a
14 ground for administrative action against the official responsible therefor;

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

19 (4) In case of vacancy in the representation of the sangguniang
20 kabataan, the sangguniang barangay and the provincial league of councilors
21 in the sanggumang panlalawigan, said vacancy shall be filled automatically by
22 the official next-in-rank of the organization concerned.

23 SEC. 22. *Temporary Vacancy in the Office of the Provincial Governor.* – (a)
24 When the provincial governor is temporarily incapacitated to perform his duties
25 for physical or legal reasons such as, but not limited to, leave of absence, travel
26 abroad, and suspension from office, the provincial vice governor shall
27 automatically exercise the powers and perform the duties and functions of the
28 provincial governor, except the power to appoint, suspend or dismiss employees
29 which can only be exercised if the period of temporary incapacity exceeds thirty
30 (30) working days.

31 (b) Said temporary incapacity shall terminate upon submission to the
32 sangguniang panlalawigan of a written declaration by the provincial governor
33 that he has reported back to office. In case where the temporary incapacity is

1 due to legal cause, the provincial governor shall also submit necessary
2 documents showing that the said legal cause no longer exists.

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

9 (d) In the event, however, that the provincial governor fails or refuses
10 to issue such authorization, the provincial vice governor shall have the right to
11 assume the powers, duties and functions of the said office on the fourth (4th)
12 day of absence of the provincial governor, subject to the limitations provided
13 for in subsection (c) hereof.

14 (e) Except as provided above, the provincial governor shall, in no case,
15 authorize any local official to assume the powers, duties and functions of the
16 office other than the provincial vice governor.

17 ARTICLE VII

18 APPOINTIVE PROVINCIAL OFFICIALS:

19 THEIR QUALIFICATIONS, POWERS AND DUTIES

20 SEC. 23. *The Secretary to the Sangguniang Panlalawigan.* –

21 (a) There shall be a secretary to the sangguniang panlalawigan who
22 shall be a career official with the rank and salary equal to a head of a
23 department or office.

24 (b) No person shall be appointed secretary to the sanggunian unless he
25 is a citizen of the Philippines, a resident of the province, of good moral
26 character, a holder of a master's degree preferably in law, commerce or public
27 administration from a recognized college or university, and a first grade civil
28 service eligible or its equivalent.

29 (c) The secretary to the sangguman shall take charge of the office of
30 the sangguniang panlalawigan, and shall:

31 (1) Attend meetings of the sanggunian and keep a journal of its
32 proceedings;

(2) Keep the seal of the LGU and affix the same with his signature to all ordinances, resolutions and other official acts of the sanggunian and present the same to the presiding officer for his signature;

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

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

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

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

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

(8) 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 for under the Local Government Code of 1991, as amended; and

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

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

SEC. 24. *The Provincial Treasurer.* – (a) The provincial treasurer shall be appointed by the Secretary of Finance from a list of at least three (3) ranking eligible recommendees of the provincial governor, subject to civil service law, rules and regulations.

(b) The provincial treasurer shall be under the administrative supervision of the provincial governor, to whom he shall report regularly on the tax collection efforts in the LGU.

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

The appointment of the provincial treasurer shall be mandatory.

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

(1) Advise the provincial governor or the sanggunian, as the case may be, and other local government and national officials concerned regarding disposition of local government funds and on such other matters relative to public finance;

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

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

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

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

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

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

SEC. 25. *The Provincial Assessor.* – (a) No person shall be appointed provincial assessor unless he is a citizen of the Philippines, a resident of the province, of good moral character, a holder of a college degree preferably in civil or mechanical engineering, commerce or any other related course from a

1 recognized college or university, and a first grade civil service eligible or its
2 equivalent. He must have acquired experience in real property assessment work
3 or in any related field for at least five (5) years.

4 The appointment of the provincial assessor shall be mandatory.

5 (b) The provincial assessor shall take charge of the assessor's office and
6 perform the duties as provided for under Book II of the Local Government Code
7 of 1991, as amended, and shall:

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

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

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

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

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

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

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

24 (8) Prepare a schedule of the fair market value of the different classes
25 of real properties in accordance with Title 2, Book II of the Local Government
26 Code of 1991, as amended;

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

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

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

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

11 SEC. 26. *The Provincial Accountant.* – (a) No person shall be appointed
 12 provincial accountant unless he is a citizen of the Philippines, a resident of the
 13 province, of good moral character and a certified public accountant. He must
 14 have acquired experience in the treasury or accounting service for at least five
 15 (5) years.

16 The appointment of the provincial accountant is mandatory.

17 (b) The provincial accountant shall take charge of both the accounting and
 18 internal audit services of the province, and shall:

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

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

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

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

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

28 (6) Prepare statements of cash advances, liquidations, salaries,
 29 allowances, reimbursements and remittances pertaining to the provincial
 30 government;

31 (7) Prepare statements of journal vouchers and liquidations of the
 32 same and other adjustments related thereto;

1 (8) Post individual disbursements to the subsidiary ledgers and index
2 cards;

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

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

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

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

11 (c) Exercise such other powers and perform such other duties and
12 functions as may be provided by law or ordinance.

13 SEC. 27. *The Provincial Budget Officer.* – (a) No person shall be appointed
14 provincial budget officer unless he is a citizen of the Philippines, a resident of
15 the province, of good moral character, a holder of a college degree preferably in
16 accounting, economics, public administration or any related course from a
17 recognized college or university, and a first grade civil service eligible or its
18 equivalent. He must have acquired experience in government budgeting or in
19 any related field for at least five (5) years.

20 The appointment of the provincial budget officer shall be mandatory.

21 (b) The provincial budget officer shall take charge of the budget office, and
22 shall:

23 (1) Prepare forms, orders and circulars embodying instructions on
24 budgetary and appropriation matters for the signature of the provincial
25 governor;

26 (2) Review and consolidate the budget proposals of different
27 departments and offices of the province;

28 (3) Assist the provincial governor in the preparation of the budget and
29 during the budget hearings;

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

32 (5) Submit periodic budgetary reports to the Department of Budget and
33 Management (DBM);

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

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

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

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

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

SEC. 28. *The Provincial Planning and Development Coordinator.* – (a) No person shall be appointed provincial planning and development coordinator unless he is a citizen of the Philippines, a resident of the province, of good moral character, a holder of a college degree preferably in urban planning, development studies, economics, public administration or in any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired experience in development planning or in any related field for at least five (5) years.

The appointment of the provincial planning and development coordinator shall be mandatory to the provincial government.

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

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

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

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

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

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

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

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

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

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

SEC. 29. *The Provincial Engineer.* – (a) No person shall be appointed provincial engineer unless he is a citizen of the Philippines, a resident of the province, of good moral character and a licensed civil engineer. He must have acquired experience in the practice of his profession for at least five (5) years.

The appointment of the provincial engineer shall be mandatory.

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

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

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

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

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

1 (5) Exercise technical supervision over all engineering offices of the
2 component cities and municipalities.

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

5 SEC. 30. *The Provincial Health Officer.* – (a) No person shall be appointed
6 provincial health officer unless he is a citizen of the Philippines, a resident of
7 the province, of good moral character and a licensed medical practitioner. He
8 must have acquired experience in the practice of his profession for at least five
9 (5) years.

10 The appointment of the provincial health officer shall be mandatory.

11 (b) The provincial health officer shall take charge of the office on health
12 services, and shall:

13 (1) Supervise the personnel and staff of the said office, formulate
14 program implementation guidelines and rules and regulations for the operation
15 of the said office for the approval of the provincial governor in order to assist
16 him in the efficient, effective and economical implementation of health services
17 programs geared to the implementation of health-related projects and
18 activities;

19 (2) Formulate measures for the consideration of the sangguniang
20 panlalawigan and provide technical assistance and support to the provincial
21 governor in carrying out activities to ensure the delivery of basic services and
22 the provision of adequate facilities relative to health services as provided for
23 under Section 17 of the Local Government Code of 1991, as amended;

24 (3) Develop plans and strategies and, upon approval thereof by the
25 provincial governor, implement the same, particularly those which have to do
26 with health programs and projects which the provincial governor is empowered
27 to implement and which the sanggunian is empowered to provide for under the
28 Local Government Code of 1991, as amended;

29 (4) In addition to the foregoing duties and functions, the provincial
30 health officer shall:

31 (i) Formulate and implement policies, plans, programs and projects to
32 promote the health of the people of the province;

1 (ii) Advise the provincial governor and the sanggunian on matters
2 pertaining to health;

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

5 (iv) Recommend to the sanggunian, through the provincial health
6 board, the passage of such ordinances as he may deem necessary for the
7 preservation of public health;

8 (v) Recommend the prosecution of any violation of sanitary laws,
9 ordinances and regulations;

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

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

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

18 (ix) Exercise general supervision over health offices of component cities
19 and municipalities; and

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

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

24 SEC. 31. *The Provincial Civil Registrar.* – (a) No person shall be appointed
25 provincial civil registrar unless he is a citizen of the Philippines, a resident of
26 the province, of good moral character, a holder of a college degree from a
27 recognized college or university, and a first grade civil service eligible or its
28 equivalent. He must have acquired experience in civil registry work for at least
29 five (5) years.

30 The appointment of a provincial civil registrar shall be optional.

31 (b) The provincial civil registrar shall be responsible for the civil registration
32 program in the province, pursuant to the Civil Registry Law, the Civil Code and
33 other pertinent laws, rules and regulations issued to implement them.

1 The provincial civil registrar shall take charge of the office of the civil
2 registry, and shall:

3 (1) Develop plans and strategies and, upon approval thereof by the
4 provincial governor, implement the same, particularly those which have to do
5 with civil registry programs and projects which the provincial governor and the
6 sanggunian is empowered to provide for under the Local Government Code of
7 1991, as amended;

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

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

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

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

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

18 (v) Issue certified transcripts or copies of any certificate or registered
19 document upon payment of the prescribed fees to the provincial treasurer;

20 (vi) Receive applications for the issuance of a marriage license and, after
21 determining that the requirements and supporting certificates and publication
22 thereof for the prescribed period have been complied with, issue the license
23 upon payment of the authorized fee to the provincial treasurer; and

24 (vii) Coordinate with the National Statistics Office (NSO) in conducting
25 educational campaigns for vital registration and assist in the preparation of
26 demographic and other statistics for the province.

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

29 SEC. 32. *The Provincial Administrator.* – (a) No person shall be appointed
30 provincial administrator unless he is a citizen of the Philippines, a resident of
31 the province, of good moral character, a holder of a college degree preferably in
32 public administration, law or any related course from a recognized college or
33 university, and a first grade civil service eligible or its equivalent. He must have

1 acquired experience in management and administration work for at least five
2 (5) years.

3 The term of the provincial administrator is coterminous with that of his
4 appointing authority.

5 The appointment of the provincial administrator shall be mandatory.

6 (b) The provincial administrator shall take charge of the office of the
7 administrator, and shall:

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

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

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

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

23 (iii) Conduct a continuing organizational development of the province
24 with the end in view of instituting effective administrative reforms;

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

28 (4) Recommend to the sanggunian and advise the provincial governor
29 on all other matters relative to the management and administration of the
30 province.

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

1 SEC. 33. *The Provincial Legal Officer.* – (a) No person shall be appointed
2 provincial legal officer unless he is a citizen of the Philippines, a resident of the
3 province, of good moral character and a member of the Philippine Bar. He must
4 have practiced his profession for at least five (5) years.

5 The term of the provincial legal officer shall be coterminous with that of his
6 appointing authority.

7 The appointment of the provincial legal officer shall be mandatory.

8 (b) The provincial legal officer, the chief legal counsel of the province, shall
9 take charge of the office for legal services, and shall:

10 (1) Formulate measures for the consideration of the sanggunian and
11 provide legal assistance and support to the provincial governor in carrying out
12 the delivery of basic services and the provision of adequate facilities as provided
13 for under Section 17 of the Local Government Code of 1991, as amended;

14 (2) Develop plans and strategies and, upon approval thereof by the
15 provincial governor, implement the same, particularly those which have to do
16 with the programs and projects related to legal services which the provincial
17 governor is empowered to implement and which the sanggunian is empowered
18 to provide for under the Local Government Code of 1991, as amended;

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

21 (i) Represent the province in all civil actions and special proceedings
22 wherein the province or any official thereof, in his official capacity, is a party:
23 *Provided*, That actions or proceedings where a component city or municipality
24 is a party adverse to the provincial government or to another component city
25 or municipality, a special legal officer may be employed to represent the adverse
26 party;

27 (ii) When required by the provincial governor or the sanggunian, draft
28 ordinances, contracts, bonds, leases and other instruments involving any
29 interest of the province and provide comments and recommendations on any
30 instrument already drawn;

31 (iii) Render his opinion in writing on any question of law when
32 requested to do so by the provincial governor or the sanggunian;

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

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

(vi) When directed by the provincial governor or the sanggunian, initiate and prosecute, in the interest of the province, any civil action on any bond, lease or other contract upon any breach or violation thereof; and

(vii) Review and submit recommendations on ordinances approved and executive orders issued by component cities and municipalities;

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

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

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

SEC. 34. *The Provincial Agriculturist.* – (a) No person shall be appointed provincial agriculturist unless he is a citizen of the Philippines, a resident of the province, of good moral character, a holder of a college degree in agriculture or in any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired experience in a related field for at least five (5) years.

The appointment of the provincial agriculturist shall be mandatory.

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

(1) Formulate measures for the approval of the sanggunian and provide technical assistance and support to the provincial governor in carrying out said measures to ensure the delivery of basic services and the provision of adequate

1 facilities relative to agricultural services as provided for under Section 17 of the
2 Local Government Code of 1991, as amended;

3 (2) Develop plans and strategies and, upon approval thereof by the
4 provincial governor, implement the same, particularly those which have to do
5 with the agricultural programs and projects which the provincial governor is
6 empowered to implement and which the sanggunian is empowered to provide
7 for under the Local Government Code of 1991, as amended;

8 (3) In addition to the foregoing duties and functions, the provincial
9 agriculturist shall:

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

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

18 (iii) Assist the provincial governor in the establishment and extension
19 services of demonstration farms on aquaculture and marine products;

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

22 (v) Coordinate with government agencies and nongovernmental
23 organizations which promote agricultural productivity through appropriate
24 technology compatible with environmental integrity;

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

28 (5) Recommend to the sanggunian and advise the provincial governor
29 on all other matters related to agriculture and aquaculture which will improve
30 the livelihood and living conditions of the inhabitants.

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

1 SEC. 35. *The Provincial Social Welfare and Development Officer.* – (a) No
2 person shall be appointed provincial social welfare and development officer
3 unless he is a citizen of the Philippines, a resident of the province, of good moral
4 character, a duly licensed social worker, a holder of a college degree preferably
5 in sociology or in any related course from a recognized college or university,
6 and a first grade civil service eligible or its equivalent. He must have acquired
7 experience in the practice of social work for at least five (5) years.

8 The appointment of the provincial social welfare and development officer
9 shall be mandatory.

10 (b) The provincial social welfare and development officer shall take charge
11 of the office on social welfare and development services, and shall:

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

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

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

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

27 (ii) Provide relief and appropriate crisis intervention for victims of
28 abuse and exploitation and recommend appropriate measures to deter further
29 abuse and exploitation;

30 (iii) Assist the provincial governor in implementing the barangay level
31 program for the total development and protection of children up to six (6) years
32 of age;

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

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

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

(4) Be in the frontline of service delivery, 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; and

(5) Recommend to the sanggunian and advise the provincial governor on all other matters related to social welfare and development service which will improve the livelihood and living conditions of the inhabitants.

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

SEC. 36. *The Provincial Environment and Natural Resources Officer.* – (a) No person shall be appointed provincial environment and natural resources officer unless he is a citizen of the Philippines, a resident of the province, of good moral character, a holder of a college degree preferably in environment, forestry, agriculture or any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired experience in environmental and natural resources management, conservation and utilization for at least five (5) years.

The appointment of the provincial environment and natural resources officer shall be mandatory.

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

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

7 (2) Develop plans and strategies and, upon approval thereof by the
8 provincial governor, implement the same, particularly those which have to do
9 with the environment and natural resources programs and projects which the
10 provincial governor is empowered to implement and which the sanggunian is
11 empowered to provide for under the Local Government Code of 1991, as
12 amended;

13 (3) In addition to the foregoing duties and functions, the provincial
14 environment and natural resources officer shall:

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

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

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

23 (iv) Manage and maintain seedbanks and produce seedlings for forests
24 and tree parks;

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

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

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

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

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

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

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

15 (3) years.

16 The appointment of the provincial veterinarian shall be mandatory.

17 (b) The provincial veterinarian shall take charge of the office for veterinary
18 services, and shall:

19 (1) Formulate measures for the consideration of the sanggunian
20 and provide technical assistance and support to the provincial governor
21 in carrying out measures to ensure the delivery of basic services and the
22 provision of adequate facilities pursuant to Section 17 of the Local
23 Government Code of 1991, as amended;

24 (2) Develop plans and strategies and, upon approval thereof by
25 the provincial governor, implement the same, particularly those which
26 have to do with the veterinary-related activities which the provincial
27 governor is empowered to implement and which the sanggunian is
28 empowered to provide for under the Local Government Code of 1991, as
29 amended;

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

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

(ii) Regulate the keeping of domestic animals;

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

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

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

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

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

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

SEC. 38. *The Provincial General Services Officer.* – (a) No person shall be appointed provincial general services officer unless he is a citizen of the Philippines, a resident of the province, of good moral character, a holder of a college degree in public administration, business administration or management from a recognized college or university and a first grade civil service eligible or its equivalent. He must have acquired experience in general services, including the management of supply, property, solid waste disposal and general sanitation for at least five (5) years.

The appointment of the provincial general services officer shall be mandatory.

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

1 (1) Formulate measures for the consideration of the sanggunian and
2 provide technical assistance and support to the provincial governor in carrying
3 out measures to ensure the delivery of basic services and the provision of
4 adequate facilities pursuant to Section 17 of the Local Government Code of
5 1991, as amended, and which require general services expertise and technical
6 support services;

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

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

15 (i) Take custody of and be accountable for all properties, real or
16 personal, owned by the provincial government and those granted to him in the
17 form of donation, reparation, assistance and counterpart of joint projects;

18 (ii) With the approval of the provincial governor, assign building or land
19 space to provincial officials or other public officials who, by law, are entitled to
20 such space;

21 (iii) Recommend to the provincial governor the reasonable rental rates
22 for local government properties, whether real or personal, which will be leased
23 to public or private entities by the provincial government;

24 (iv) Recommend to the provincial governor the reasonable rental rates
25 of private properties which may be leased for the official use of the provincial
26 government;

27 (v) Maintain and supervise janitorial, security, landscaping and
28 otherrelated services on all local government public buildings and other real
29 property, whether owned or leased by the provincial government;

30 (vi) Collate and disseminate information regarding prices, shipping and
31 other costs of supplies and other items commonly used by the provincial
32 government;

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

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

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

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

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

SEC. 39. *The Provincial Cooperatives Officer.* – (a) No person shall be appointed provincial cooperatives officer unless he is a citizen of the Philippines, a resident of the province, of good moral character, a holder of a college degree preferably in business administration course with special training in cooperatives or in any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired experience in cooperatives organization and management for at least five (5) years.

The appointment of the provincial cooperatives officer shall be mandatory.

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

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

(2) Develop plans and strategies and, upon approval thereof by the provincial governor, implement the same, particularly those which have to do with the integration of cooperatives principles and methods in programs which

the provincial governor is empowered to implement and which the sanggunian is empowered to provide for under the Local Government Code of 1991, as amended;

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

(i) Assist in the organization of cooperatives;

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

(iii) 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;

(4) 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; and

(5) Recommend to the sanggunian and advise the provincial governor on all other matters relative to cooperatives development and viability enhancement which will improve the livelihood and the quality of life of the inhabitants.

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

SEC. 40. *The Provincial Architect.* – (a) No person shall be appointed provincial architect unless he is a citizen of the Philippines, a resident of the province, of good moral character and a duly licensed architect. He must have practiced his profession for at least five (5) years.

The appointment of the provincial architect shall be optional.

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

(1) Formulate measures for the consideration of the sanggunian and provide technical assistance and support to the provincial governor in carrying out measures to ensure the delivery of basic services and the provision of

adequate facilities relative to architectural planning and design as provided for under Section 17 of the Local Government Code of 1991, as amended;

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

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

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

(ii) Review and recommend for appropriate action of the sanggunian and the provincial governor, the architectural plans and designs submitted by governmental and nongovernmental entities or individuals, particularly those for undeveloped, underdeveloped and poorly-designed areas; and

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

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

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

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

SEC. 41. *The Provincial Population Officer.* – (a) No person shall be appointed provincial population officer unless he is a citizen of the Philippines,

a resident of the province, of good moral character, a holder of a college degree with specialized training in population development from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired experience in the implementation of programs on population development or responsible parenthood for at least five (5) years.

The appointment of the provincial population officer shall be optional.

(b) The provincial population officer shall take charge of the office on population development, and shall:

(1) Formulate measures for the consideration of the sanggunian and provide technical assistance and support to the provincial governor 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 approval thereof by the provincial governor, implement the same, particularly those which have to do with the integration of population development principles and methods in programs and projects which the provincial governor is empowered to implement and which the sanggunian is empowered to provide for under the Local Government Code of 1991, as amended; and

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

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

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

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

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

SEC. 42. *The Provincial Information Officer.* – (a) No person shall be appointed provincial information officer unless he is a citizen of the Philippines,

1 a resident of the province, of good moral character, a holder of a college degree
2 preferably in journalism, mass communication or in any related course from a
3 recognized college or university, and a first grade civil service eligible or its
4 equivalent. He must have acquired experience in writing articles and research
5 papers, or in writing for print, television or broadcast media for at least three
6 (3) years;

7 The appointment of the provincial information officer shall be optional.

8 (b) The provincial information officer shall take charge of the office on
9 public information, and shall:

10 (1) Formulate measures for the consideration of the sanggunian and
11 provide technical assistance and support to the provincial governor in providing
12 the information and research data required for the delivery of basic services
13 and the provision of adequate facilities so that the public becomes aware of the
14 said service and may fully avail of the same;

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

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

24 (i) Provide relevant, adequate and timely information to the provincial
25 government and its residents;

26 (ii) Maintain effective liaison with the various sectors of the community
27 on matters and issues that affect the livelihood and the quality of life of the
28 inhabitants and encourage support for programs of the local and national
29 government;

30 (iii) Assist the provincial governor in the establishment, maintenance
31 and promotion of local area tourism programs and projects; and

32 (iv) Furnish information and data on the province to government
33 agencies or offices as may be required by law or ordinance, and

1 nongovernmental organizations to be furnished to said agencies and
2 organizations;

3 (4) Be in the frontline of providing information during and in the
4 aftermath of man-made and natural disasters or calamities, with special
5 attention to the victims thereof, to help minimize injuries and casualties during
6 and after emergency, and accelerate relief and rehabilitation; and

7 (5) Recommend to the sanggunian and advise the provincial governor
8 on all other matters relative to public information and research data as it
9 relates to the total socioeconomic development of the province.

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

12 THE PROVINCIAL FIRE STATION, THE PROVINCIAL JAIL, THE PROVINCIAL
13 SCHOOLS DIVISION AND THE PROVINCIAL PROSECUTION SERVICE

14 SEC. 43. *The Provincial Fire Station Service.* – (a) There shall be established
15 in the province at least five (5) fire stations with adequate personnel, firefighting
16 facilities and equipment by the DILG within two (2) months upon the
17 commencement of the corporate existence of the new province. The provincial
18 government shall provide the necessary land or site of the provincial fire
19 stations.

20 (b) The provincial fire station service shall be headed by a provincial
21 fire marshal whose qualifications shall be as those provided for under Republic
22 Act No. 9263, as amended, otherwise known as the “Bureau of Fire Protection
23 and Bureau of Jail Management and Penology Professionalization Act
24 of 2004.

25 (c) The provincial fire stations shall be responsible for the protection of
26 various emergency services such as the rescue and evacuation of injured people
27 at fire-related incidents and, in general, fire prevention and suppression
28 measures to secure the safety of life and property of the citizenry.

29 SEC. 44. *The Provincial Jail Service.* – (a) There shall be established and
30 maintained in the province, within two (2) months upon the commencement of
31 the corporate existence of the province by the DILG, a secured, clean,
32 adequately equipped and sanitary jail facility for the custody and safekeeping
33 of prisoners, any fugitive from justice, or person detained awaiting investigation

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

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

12 SEC. 45. *The Provincial Schools Division.* – (a) The DepED shall, within
13 two (2) months upon the commencement of the corporate existence of the
14 province herein created, establish and maintain a separate schools division in
15 the province whose jurisdiction shall cover all the municipalities of the new
16 province.

17 (2) The provincial schools division shall be headed by a division
18 superintendent who must possess the necessary qualifications required by the
19 DepED.

20 SEC. 46. *The Provincial Prosecution Service.* – (a) There shall be established
21 and maintained a prosecution service by the Department of Justice (DOJ),
22 within two (2) months upon the commencement of the corporate existence of
23 the province herein created which shall be headed by a provincial prosecutor
24 and such number of assistant prosecutors as may be necessary, who shall be
25 organizationally part of the DOJ, and under the supervision and control of the
26 Secretary of the DOJ, and whose qualifications, manner of appointment, rank,
27 salary and benefits shall be governed by existing laws covering prosecutors in
28 the DOJ.

29 (b) The provincial prosecutor shall handle the criminal prosecution in the
30 municipal trial courts in the province as well as in the regional trial courts for
31 criminal cases originating in the territory of the new province and shall render
32 to and for the province such other services as are required by law or regulation
33 of the DOJ.

ARTICLE IX

TRANSITORY AND FINAL PROVISIONS

SEC. 47. *Plebiscite.* – The Province of Surigao Oriental shall be created, as provided for in this Charter, upon approval by the majority of the votes cast by the voters of the affected areas in a plebiscite to be conducted and supervised by the Commission on Elections (COMELEC) within sixty (60) days from the date of the effectivity of this Charter.

The amount necessary for the conduct of the plebiscite shall be borne by the Province of Surigao del Sur.

SEC. 48. *Commencement of Corporate Existence.* – The Province of Surigao Oriental shall commence corporate existence upon the election and qualification of the provincial governor, the provincial vice governor and majority of the members of the sangguniang panlalawigan.

SEC. 49. *Officials of the Province of Surigao Oriental.* – (a) The first set of elective officials of the Province of Surigao Oriental shall be elected in the next national and local elections following the effectivity of this Charter.

All elective and nonelective provincial and local government officials and employees of the present Province of Surigao del Sur shall continue to serve their term of office and perform their duties and functions in the province, until the commencement of the corporate existence of the new province, as provided for in the immediately preceding section of this Act.

SEC. 50. *Organization of the Provincial Government.* – All provincial appointive positions in the Province of Surigao Oriental shall be filled within sixty (60) days upon the commencement of its corporate existence. This shall be done without prejudice to the officials and employees of the present Province of Surigao del Sur who may wish to serve in the Province of Surigao Oriental.

SEC. 51. *Suspension of Increase in the Rates of Local Taxes.* – No increase in the rates of local taxes shall be imposed by the new province within the period of five (5) years from its acquisition of corporate existence.

SEC. 52. *Present Provincial Properties.* – Upon the effectivity of this Act, the ownership of real properties and infrastructure projects of each LGU situated in the present Province of Surigao Oriental shall belong to the province where it is situated.

1 SEC. 53. *Applicability of Laws.* – The provisions of Republic Act No. 7160,
2 otherwise known as the Local Government Code of 1991, as amended, and
3 other laws as are applicable to provinces shall govern the herein created
4 province insofar as these are not inconsistent with the provisions of this Act.

5 SEC. 54. *Separability Clause.* – If any part of this Act is declared invalid
6 or unconstitutional, the other parts or provisions hereof shall remain valid and
7 effective.

8 SEC. 55. *Effectivity.* – This Act shall take effect fifteen (15) days upon its
9 publication in at least two (2) newspapers of general and local circulation.

Approved,

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