

[REPUBLIC ACT NO. 11259, April 05, 2019]

AN ACT DIVIDING THE PROVINCE OF PALAWAN INTO THREE (3) PROVINCES, NAMELY: PALAWAN DEL NORTE, PALAWAN ORIENTAL AND PALAWAN DEL SUR

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

ARTICLE I

GENERAL PROVISIONS

SECTION 1. *Title.* - This Act shall be known as the "Charter of the Province of Palawan del Norte, Palawan Oriental, and Palawan del Sur".

SEC. 2. *Division of the Province of Palawan.* - The Province of Palawan is hereby divided into three (3) distinct and independent provinces to be known as Palawan del Norte, Palawan Oriental, and Palawan del Sur. The Province of Palawan del Sur shall be the mother province.

SEC. 3. *Composition.* - The province of Palawan del Norte, Palawan Oriental, and Palawan del Sur shall be composed of the following municipalities:

(a) Province of Palawan del Norte

- (1) Coron;
- (2) Culion;
- (3) Busuanga;
- (4) Linapacan;
- (5) Taytay; and
- (6) El Nido.

(b) Palawan Oriental

- (1) Roxas;
- (2) Araceli;
- (3) Dumarán;

- (4) Cuyo;
- (5) Agutaya;
- (6) Magsaysay;
- (7) Cayancillo; and
- (8) San Vicente.

(c) Palawan del Sur

- (1) Aborlan;
- (2) Narra;
- (3) Quezon;
- (4) Rizal;
- (5) Española;
- (6) Brooke's Point;
- (7) Bataraza;
- (8) Balabac; and
- (9) Kalayaan.

SEC. 4. *Territorial Jurisdiction.* - The provinces of Palawan del Norte, Palawan Oriental, and Palawan del Sur shall be comprised of all the islands of the present Province of Palawan.

The terrestrial jurisdictions of the newly created provinces shall be within the present metes and bounds of all the municipalities that comprise the respective provinces.

The foregoing provisions shall be without prejudice to the resolution by the appropriate agency or forum of existing boundary disputes or cases involving questions of territorial jurisdiction between each province and adjoining local government units: *Provided*, That the territorial boundaries of the disputed area or areas shall remain with the local government unit, which has existing administrative supervision over said area or areas until final resolution of the case.

SEC. 5. *Capital Towns and Seats of Government.* - The capital towns and seats of government of the provinces of Palawan del Norte, Palawan Oriental, and Palawan del Sur shall be municipalities of Taytay, Roxas, and Brooke's Point, respectively.

SEC. 6. *Corporate Powers of the Provinces.* - Each province constitutes a political body corporate and as such is endowed with the attributes of perpetual succession and possessed of the powers which pertain to a provincial corporation to be

exercised in conformity with the provisions of this Charter and the Local Government Code of 1991, as amended. Each province shall have the following corporate powers:

- (a) To exercise continuous succession in its corporate name;
- (b) To sue and be sued;
- (c) To use a corporate seal;
- (d) To acquire and convey real or personal property;
- (e) To enter into contracts; and
- (f) To exercise such other powers granted to corporations, subject to the limitations provided in the Local Government Code of 1991, as amended, and other laws.

SEC. 7. *General Powers.* - Each province shall have a common seal and may alter the same at its pleasure: *Provided*, That any change of corporate seal shall be registered with the Department of Interior and Local Government (DILG). Each province shall have the power to create its sources of revenue and to levy taxes, fees and charges; to close and open roads, streets, alleys, parks, or squares; to take, purchase, receive, hold, lease, convey and dispose of real and personal property for the general interests of the province; to expropriate or condemn private property for public use; to contract and to be contracted with; to sue and be sued; to prosecute and defend to final judgment and execution suits wherein the province is involved or interested in and to exercise all the powers as are granted to corporations or as hereinafter granted, subject to the provisions of the Local Government Code of 1991, as amended.

SEC. 8. *Liability for Damages.* - Each province and its officials shall not be exempt from liability for death or injury to persons or damage to property.

SEC. 9. *Legislative Districts.* - Each province herein created shall have its own legislative districts comprising of the municipalities enumerated under Section 3 of this Act and effective upon the election and qualification of their representatives to be held on the second Monday of May in the year 2022.

For the purpose of this section, the City of Puerto Princesa shall have its own legislative district effective upon the election and qualification of its representative to be held on the second Monday of May in the year 2022.

SEC. 10. *Incumbent Representatives.* - The incumbent Representatives of the present Province of Palawan shall to continue to represent their respective legislative districts until new representatives shall have been duly elected, qualified and assumed office.

SEC. 11. *Share in the Proceeds from the Development and Utilization of the National Wealth.* - As political subdivisions of the national government, the provinces of Palawan del Norte, Palawan Oriental, and Palawan del Sur shall be entitled to equitable shares in the proceeds of the utilization and development of the national wealth within their respective terrestrial and maritime jurisdiction.

For the purpose of accelerating economic development and upgrading the quality of life of the inhabitants, the provinces of Palawan del Norte, Palawan Oriental, and Palawan del Sur shall, in addition to the internal revenue allotment have a combined share of not less than forty percent (40%) of the gross collection derived by the national government from the preceding fiscal year from the following:

(a) Mining taxes, royalties, forestry and fishery charges, and such other taxes, fees, or charges, including related surcharges, interests, or fines, and from its share in any co-productions, joint venture or production sharing agreements in the utilization and development of the national wealth within their territorial jurisdiction;

(b) Administrative charges enumerated herein accruing to the national government whether collected by agencies of the national government or, in certain cases, by Palawan del Norte, Palawan Oriental, or Palawan del Sur;

(c) Share in the proceeds from the development and utilization of the national wealth which Palawan del Norte, Palawan Oriental and Palawan del Sur actually collect and automatically retain its share of at least forty percent (40%) of such proceeds shall not form part of the revenue base in the computation of the forty percent (40%) share.

The province of Palawan del Norte, Palawan Oriental, and Palawan del Sur shall each have a share based on the preceding fiscal year from the proceeds derived by national government agencies (NGAs) or government-owned-or-controlled corporations (GOCCS) engaged in the utilization and development of the national wealth based on the following formula, or whichever will produce a higher amount for the abovementioned provinces;

(1) One percent (1%) of the gross sales or receipts of the preceding calendar year; or

(2) Forty percent (40%) of the mining taxes, royalties, forestry and fishery charges and such other taxes, fees or charges, including related surcharges, interests, or fines from the NGA or GOCC would have paid if it were not otherwise exempt.

The shares referred to in the preceding paragraphs shall be divided equally among the provinces of Palawan del Norte, Palawan Oriental, and Palawan del Sur and shall be automatically released to them. The share of each province shall further be divided in favor of municipalities and barangays, which shall also be automatically released, as follows:

(i) Province: sixty percent (60%);

(ii) Municipality: twenty-four percent (24%); and

(iii) Barangay: sixteen percent (16%).

SEC. 12. *Jurisdiction of Each Province.* - For purposed of police and law enforcement, the jurisdiction of each province shall be coextensive with its respective territorial boundary. For the purpose of protecting and ensuring the purity of the water supply of each province, such police jurisdiction shall also extend over

all the the territory within the drainage area of such water supply source, or within one hundred (100) meters of any connection with each province's water service.

ARTICLE II

PROVINCIAL OFFICIALS IN GENERAL

SEC. 13. *Officials of the Provincial Government.* - (a) In each of the provinces of Palawan del Norte, Palawan Oriental, and Palawan del Sur, there shall be a provincial governor, a provincial vice governor, the regular members of the *sangguniang panlalawigan*, a secretary to the *sangguniang panlalawigan*, a provincial accountant, a provincial budget officer, a provincial planning and development coordinator, a provincial engineer, a provincial health officer, a provincial administrator, a provincials legal officer, a provincial agriculturist, a provincial veterinarian and a provincial general services officer.

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

(c) The *sangguniang panlalawigan* may:

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

(2) Create such other offices as may be necessary to carry out the purposed 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 or in the Local Government Code of 1991, as amended, the heads of departments and offices shall be appointed by the provincial governor with the concurrence of the majority of all 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.

Elective and appointive provincial officials shall receive such compensation, allowances and other emoluments as may be determined by law or ordinance subject to the budgetary limitations on personal services prescribed under Title V, Book II of this Code: *Provided*, That no increase in compensation shall take effect until after the expiration of the full term of all the elective officials approving such increase.

SEC. 14. *Residence and Office.* - The official residence and office of the provincial governor, during the latter's incumbency, shall be in the 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.