

[REPUBLIC ACT NO. 9405, March 23, 2007]

AN ACT CONVERTING THE MUNICIPALITY OF BAYUGAN IN THE PROVINCE OF AGUSAN DEL SUR INTO A COMPONENT CITY TO BE KNOWN AS THE CITY OF BAYUGAN

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 City of Bayugan".

SEC. 2. *The City of Bayugan.* - The Municipality of Bayugan Is hereby converted into a component city to be known as the City of Bayugan, hereinafter referred to as the City, which shall comprise the present territory of the Municipality of Bayugan, Province of Agusan del Sur. The territorial jurisdiction of the City shall be within the present metes and bounds of the Municipality of Bayugan.

The foregoing provision 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 the City and its adjoining local government units: *Provided*, That the territorial jurisdiction of the disputed area or areas shall remain with the local government unit which has existing administrative supervision over said area or areas until the final resolution of the case.

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

The City shall have the following corporate powers:

- a. To have continuous succession in its corporate powers;
- b. To sue and be sued;
- c. To have and 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, prerogatives and authority as are granted to corporations, subject to the limitations provided for in this Act and other laws.

SEC. 4. *General Powers of the City.* - The City shall have a common seal and may alter the same at pleasure. It shall exercise the power to levy taxes, close and open roads, streets, alleys, parks or squares, subject to the provisions of the Constitution

and existing laws. It may take, purchase, receive, hold, lease, convey and dispose of real and personal property for the general interests of the City; expropriate or condemn private property for public use; contract and be contracted with; sue and be sued; prosecute and defend to final judgment and execution suits wherein the City is a party; and exercise all the powers as are granted to corporations and/or as hereinafter conferred.

SEC. 5. *General Welfare Clause of the City.* - The City shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare.

Within its territorial jurisdiction, the City shall ensure and support, among other things, preserve and enrich its culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants.

SEC. 6. *Liability for Damages.* - Unless otherwise provided for by law, the City of Bayugan shall be liable for injuries or damages to persons or property arising from the act or omission of any of its officers or employees while in the performance of their official functions.

SEC. 7. *Jurisdiction of the City.* - The jurisdiction of the City of Bayugan, for police purpose only, shall be coextensive with its territorial jurisdiction and, for the purpose of protecting and ensuring the purity of the water supply of the City, such police jurisdiction shall also extend over all territory within the drainage area of such water supply or within one hundred meters (100 m.) of any reservoir, conduit, canal, aqueduct or pumping station used in connection with the city water service.

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

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

ARTICLE II

CITY OFFICIALS IN GENERAL

SEC. 8. *The Officials of the City of Bayugan.* -

- a. There shall be in the City of Bayugan: a city mayor, a city vice mayor, sangguniang panlungsod members, a secretary to the sangguniang panlungsod, a city treasurer and an assistant city treasurer, a city assessor and an assistant city assessor, a city accountant, a city engineer, a city health officer, a city civil registrar, a city social welfare and development officer, a city budget officer, a city planning and development officer, a city administrator, a city legal officer, a city veterinarian, a city general services officer, a city agriculturist, a city cooperatives officer, a city building officer, a city environment and natural resources officer and a city architect.
- b. In addition thereto, the city mayor may appoint a city population officer and a city tourism officer.
- c. The City shall establish a city fire station to be headed by a city fire marshal, a city jail to be headed by a city jail warden, a city schools division to be headed by a city schools division superintendent and a city prosecution service to be headed by a city prosecutor.
- d. The sangguniang panlungsod of the City of Bayugan may:
 1. Maintain existing offices not mentioned in subsections (a), (b) and (c) hereof;
 2. Create such other offices as may be necessary to carry out the purposes of the City; or
 3. Consolidate the functions of any office with those of another in the interest of efficiency and economy.

Unless otherwise provided herein, all appointive city officials of the City shall be appointed by the city mayor with the concurrence of the majority of all sangguniang panlungsod members, subject to civil service law, rules and regulations. The sangguniang panlungsod shall act on the appointment within fifteen (15) days from the date of its submission, otherwise the same shall be deemed confirmed.

ARTICLE III

THE CITY MAYOR AND CITY VICE MAYOR

SEC. 9 *The City Mayor.* -

- a. The city mayor shall be the chief executive of the City. He shall be elected at large by the qualified voters of the City. No person shall be eligible for the position of city mayor unless, at the time of election, he is at least twenty-one (21) years of age, a resident of the City for at least one year prior to his election and a qualified voter therein. He shall hold office for three years, unless sooner removed, and shall receive a minimum monthly compensation corresponding to Salary Grade Thirty (30) as prescribed under Republic Act No. 6758, otherwise known as the Salary Standardization Law, and the implementing guidelines issued pursuant thereto and such other compensation, emoluments and allowances as may be determined by law.
- b. The city mayor, as the chief executive of the city government, shall exercise such powers and perform such duties and functions as provided herein:
 1. Exercise those powers expressly granted to him by law, those necessarily implied therefrom as well as powers necessary, appropriate or incidental for the efficient and effective governance of the City and those which are

essential to the promotion of the general welfare. Pursuant thereto, he shall:

- i. Determine the guidelines of city policies and be responsible to the sangguniang panlungsod for the program of government;
- ii. Direct the formulation of the city development plan with the assistance of the city development council and, upon approval thereof by the sangguniang panlungsod, implement the same;
- iii. Present the program of government and propose policies and projects for the consideration of the sangguniang panlungsod at the opening of the regular session of the sangguniang panlungsod every calendar year and as often as may be deemed necessary as the general welfare of the inhabitants and the needs of the city government may require;
- iv. Initiate and propose legislative measures to the sangguniang panlungsod and, as may be deemed necessary, provide such information and data needed or requested by said sanggunian in the performance of its legislative functions;
- v. Appoint all officials and employees whose salaries and wages are wholly or mainly paid out of city funds and whose appointments are not otherwise provided for in the Local Government Code of 1991, as well as those he may be authorized by law to appoint;
- vi. Represent the City in all its business transactions and sign on its behalf all bonds, contracts, obligations and such other documents upon the authority of the sangguniang panlungsod or pursuant to law or ordinance;
- vii. Carry out such emergency measures as may be necessary during and in the aftermath of man-made and natural disasters or calamities;
- viii. Determine the time, manner and place of payment of salaries or wages of the officials and employees of the City, in accordance with law or ordinance;
- ix. Allocate and assign office space to the City and other officials and employees who, by law or ordinance, are entitled to such space in the city hall and other buildings owned or leased by the city government, including the offices and officials created therein;
- x. Ensure that all executive officials and employees of the City faithfully discharge their duties and functions as provided for by law and this Act, and cause to be instituted administrative or judicial proceedings against any official or employee of the City who may have committed an offense in the performance of their official duties;
- xi. Examine the books, records and other documents of all offices, officials, agents or employees of the City and, in aid of his executive powers and authority, require all national officials and employees stationed in or assigned to the City to make available to him such books, records and other documents in their custody, except those classified by law as confidential;
- xii. Furnish copies of executive orders issued by him to the provincial governor within seventy-two (72) hours after their issuance;
- xiii. Visit component barangays of the City at least once every six months to deepen his understanding of the problems and

conditions, listen and give appropriate counsel to local officials and inhabitants of general laws and ordinances which especially concern them, and otherwise conduct visits and inspections to ensure that the governance of the City will improve the quality of life of the inhabitants;

- xiv. Act on leave applications of officials and employees appointed by him and the commutation of the monetary value of their leave credits in accordance with law;
- xv. Authorize official trips of city officials and employees outside of the City for a period not exceeding thirty (30) days;
- xvi. Call upon any national official or employee stationed in or assigned to the City to advise him on matters affecting the City and to make recommendations thereon; coordinate with said officials or employees in the formulation and the implementation of plans, programs and projects; and, when appropriate, initiate an administrative or judicial action against a national government official or employee who may have committed an offense in the performance of their official duties while stationed in or assigned to the City;
- xvii. Authorize payments for medical care, necessary transportation, subsistence, hospital or medical fees of city officials and employees who are injured while in the performance of their official duties and functions, subject to the availability of funds;
- xviii. Solemnize marriages;
- xix. Conduct an annual palarong panlungsod which shall feature traditional sports and disciplines included in national and international games, in coordination with the Department of Education (DepEd), the Philippine Sports Commission and other related agencies; and
- xx. Submit to the provincial governor the following reports: an annual report containing a summary of all matters pertinent to the management, administration and development of the City and all information and data relative to its political, social and economic condition; and supplemental reports when unexpected events and situations arise at any time during the year, particularly when man-made and natural disasters or calamities affect the general welfare of the City.

2. Enforce all laws and ordinances relative to the governance of the City and in the exercise of its appropriate powers, as well as implement all approved policies, programs, projects, services and activities of the City and, in addition, shall:

- i. Ensure that the acts of the City's component barangays and of its officials and employees are within the scope of their prescribed powers, duties and functions;
- ii. Call conventions, conferences, seminars or meetings of elective or appointive officials of the City, including national officials and employees stationed in or assigned to the City, at such time and place and on such subject he may deem important for the promotion of the general welfare of the local government unit and its inhabitants;