

[REPUBLIC ACT NO. 9434, April 12, 2007]

**AN ACT CONVERTING THE MUNICIPALITY OF CABADBARAN
INTO A COMPONENT CITY OF THE PROVINCE OF AGUSAN DEL
NORTE TO BE KNOWN AS THE CITY OF CABADBARAN**

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 Cabadbaran".

SEC. 2. *The City of Cabadbaran.* — The Municipality of Cabadbaran is hereby converted into a component city to be known as the City of Cabadbaran, hereinafter referred to as the City, which shall comprise of the present territory of the Municipality of Cabadbaran, Province of Agusan del Norte.

The foregoing provision shall be without prejudice to the resolution by the appropriate agency or forum of any existing boundary disputes or cases involving questions of territorial jurisdiction between the City of Cabadbaran 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 a continuous succession in its corporate name;
- b. To sue and be sued;
- c. To have and use a corporate seal;
- d. To acquire, hold and convey real or personal property;
- e. To enter into any contract and/or agreement; and
- f. To exercise such other powers, prerogatives or authority subject to the limitations provided in this Act or 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 powers to levy taxes; 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 interests of the City; to expropriate or condemn private property for public use; to contract and be contracted with; to sue and be sued; to prosecute and defend to final judgment and execution suits wherein the City is involved or interested in; and to exercise all the powers as are granted to corporations or as hereinafter granted.

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.* — The City and its officials shall not be exempt from liability for death or injury to persons or damage to property.

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

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

The court first taking jurisdiction of such offense shall thereafter retain exclusive jurisdiction thereof. But any license that may be issued within the said zone, area or spaces 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 Cabadbaran.* —

- a. There shall be in the City of Cabadbaran: 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 budget officer, a city planning and development coordinator, a city engineer, a city health officer, a

city civil registrar, a city administrator, a city legal officer, a city social welfare and development officer, a city veterinarian, a city general services officer, a city agriculturist, a city cooperatives officer and a city building officer.

- b. In addition thereto, the city mayor may appoint an environment and natural resources officer, a city architect, a city information officer and a city population officer.
- c. The City shall establish a city fire station to be headed by a city fire marshall, a city jail to be headed by a city jail warden, a city schools division to be headed by the city schools division superintendent and a city prosecution service to be headed by a city prosecutor.
- d. The sangguniang panlungsod of the City 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 government; or
 - 3. Consolidate the functions of any office with those of another in the interest of efficiency and economy.

Unless otherwise provided herein, heads of departments and offices shall be appointed by the city mayor with the concurrence of the majority of all the 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 day of its submission; otherwise, the same shall be deemed confirmed.

ARTICLE III

THE CITY MAYOR AND THE 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 the city mayor unless at the time of the election:
 - 1. He is at least twenty-one (21) years of age;
 - 2. An actual resident of the City for at least one year prior to his election; and
 - 3. 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, 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 for under the Local Government Code of 1991 and other laws, and shall:

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:

- i. Determine the guidelines of city policies and be responsible to the sangguniang panlungsod for the program of government;
- ii. Direct the formulation of the city development plan with the assistance of the city development council and, upon approval thereof by the sangguniang panlungsod, implement the same;
- iii. Present the program of government and propose policies and projects for the consideration of the sangguniang panlungsod at the opening of the regular session of the sangguniang panlungsod every calendar year and as often as may be deemed necessary as the general welfare of the inhabitants and the needs of the city government may require;
- iv. Initiate and propose legislative measures to the sangguniang panlungsod and, as often as may be deemed necessary, provide such information and data needed or requested by the said sanggunian in the performance of its legislative functions;
- v. Appoint all officials and employees whose salaries and wages are wholly or mainly paid out of city funds and whose appointments are not otherwise provided for in this Act as well as those he may be authorized by law to appoint, except those who are to be appointed by the city vice mayor as provided for in Section 9 hereof;
- vi. Represent the City in all its business transactions and sign on its behalf all bonds, contracts and obligations and such other documents with authority from 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 city officials and employees, in accordance with law or ordinance;
- ix. Allocate and assign office space to the city 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;
- x. Ensure that all executive officials and employees of the City faithfully discharge their duties and functions as provided for by law and by 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 his 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 office of the governor within seventy-two (72) hours after the 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 and employees in the formulation and the implementation of plans, programs and projects; and, when appropriate, initiate an administrative or judicial action against a national government official or employee who may have committed an offense in the performance of his official duties while stationed in or assigned to the City;
- xvii. Authorize payment for medical care, necessary transportation, subsistence, hospital or medical fees of city officials and employees who are injured while in the performance of their official duties and functions, subject to the availability of funds;
- xviii. Solemnize marriages, any provision of law to the contrary notwithstanding;
- xix. Conduct an annual palarong panlungsod which shall feature traditional sports and disciplines included in national and international games, in coordination with the Department of Education (DepEd), the Commission on Higher Education (CHED) or the Philippine Sports Commission (PSC); and
- xx. Submit to the provincial governor the following reports: an annual report containing a summary of all matters pertinent to the management, administration and development of the City and all information and data relative to its political, social and economic conditions; and supplemental reports when unexpected events and situations arise at any time during the year, particularly when man-made and natural disasters or calamities affect the general welfare of the City.

2. Enforce all laws and ordinances relative to the governance of the City and in the exercise of its appropriate 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 provincial and national officials and employees stationed in or assigned to the City, at such