

[REPUBLIC ACT NO. 9355, October 02, 2006]

AN ACT CREATING THE PROVINCE OF DINAGAT ISLANDS

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 Dinagat Islands.”

SEC. 2. *Province of Dinagat Island.* – There is hereby created a new province from the present Province of Surigao del Norte to be known as the Province of Dinagat Islands consisting of the municipalities of Basilica, Cagdianao, Dinagat, Libjo (Albor), Loreto, San Jose, and Tubajon with the following boundaries:

Bounded on the North, starting from the desolation point is Surigao Strait; on the East by the Philippine Sea; on the South-East by Dinagat sound; on the South by Gaboc Channel and Nonoc Island; on the South-West by Awasan Bay, Hanigad Island and Hikdop Island; and on the West by Surigao Strait.

The geographic positions of four (4) selected outer most points of the main island of the new Province of Dinagat, with latitude and longitude are as follows:

SELECTED OUTER			
MOST POINTS	LATITUDE	LONGITUDE	REMARKS
(1) Northern most Point	10° 28'15.6173"	125°42'23.5890"	Desolation Point
(2) Eastern most Point	9°53'37.1657"	125°42'20.3417"	Along Dinagat Point
(3) Southern most Point	9°51'12.0722	125°39'51.1642"	Along Gaboc Channel
(4) Western	10°08'14.3014"	125°28'16.6544	Tungo Point

most Point			
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The Province of Dinagat Island contains an approximate land area of eighty thousand two hundred twelve hectares (80,212 has.) or 802.12 sq.km. more or less including Hibuson Island and approximately forty-seven (47) islets under the jurisdiction of the municipalities that comprise the new province.

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 Province of Dinagat Island and adjoining local government units (LGUs): *Provided*, That the territorial jurisdiction of the disputed area or areas shall remain with the LGU, which has existing administrative supervision administrative over said area or areas until resolution of the case.

SEC. 3. *Capital Town and Seat of the Province.* – The capital town and seat of the government of the new Province of Dinagat Islands shall be the Municipality of San Jose.

SEC. 4. *Corporate Powers of the Province.* – The 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 of this Charter. The provinces shall have the succession in its corporate name;

- 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 contracts and agreements; and
- f. To exercise such other powers, prerogatives or authority, subject to the limitations provided in this Act or other laws.

SEC. 5. *General Powers.* – The Province shall have an independent and common seal and may alter the same at its 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 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 hereafter granted.

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

SEC. 7. *Legislative District.* – The Province of Dinagat Islands shall constitute one, separate legislative district to commence in the next national election after the effectivity of this Act.

ARTICLE II

PROVINCIAL OFFICIALS IN GENERAL

SEC. 8. *Officials of the Provincial Government.* –

- A. There shall be in the Province of Dinagat Islands a governor, a vice governor, members of the sangguniang panlalawigan, a provincial treasurer, a provincial assessor, 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 and welfare development officer, a provincial environments and natural resources officer, a provincial veterinarian, a provincial general services officer, a provincial cooperatives officers and provincial accountant.
- B. In addition thereto, the governor may appoint a provincial architect, a provincial population officer and a provincial information officer.
- C. The sangguniang panlalawigan may:
 - 1. Maintain existing officers not mentioned in subsections (a) and (b) hereof;
 - 2. Create such other offices as may be necessary to carry out the purpose 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, heads of departments and offices shall be appointed by the provincial governor with the concurrence of a majority of the sangguniang panlalawigan members, subject to the civil service law, days of submission, otherwise, the same shall be deemed confirmed.

SEC. 9. *Residence and Office.* – During the incumbency of the 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 days for any given month.

ARTICLE III

ELECTIVE PROVINCIAL OFFICIALS

SEC. 10. *The Provincial Governor.* –

- A. The provincial governor, as chief executive of the provincial government, shall exercise such powers and perform such duties and functions as provided for in the Local Government Code of 1991 and other laws.
- B. For efficient, effective and economical governance, the purpose of which is the general welfare of the province and its inhabitants pursuant to Section 16 of the Local Government Code of 1991, the provincial governor shall:
 - 1. Exercise general supervision and control over all programs, projects, services, and activities of the provincial government and, in this connection, shall:

- a. Determine the guidelines of provincial policies and be responsible to the sangguniang panlalawigan for the program of the government;
- b. Direct the formulation of the provincial development plan with the assistance of the provincial development council and, upon approval thereof by the sangguniang panlalawigan, implement the same;
- c. Present the program of government and propose policies and projects for the consideration of the sangguniang panlalawigan at the opening of the regular session of the sangguniang panlalawigan every calendar year and as often as may be deemed necessary as the general welfare of the inhabitants and the needs of the provincial government may require;
- d. Appoint all officials and employees whose salaries and wages are wholly or mainly paid out of provincial funds and whose appointments are not otherwise provided for in this Act as well as those he may be authorized by the law to appoint;
- e. Represent the province in all its business transactions and sign on its behalf all bonds, contracts and obligations, and such other documents upon authority of the sangguniang panlalawigan or pursuant to law or ordinance;
- f. Carry out such emergency measures as may be necessary during and in the aftermath of man-made natural disasters or calamities;
- g. Determine the time, manner and place of payment of salaries or wages of the provincial officials and employees, in accordance with law or ordinance;
- h. 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;
- i. 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, 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;
- j. 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;
- k. Furnish the Office of the President copies of executive order issued by him within seventy-two (72) hours after their issuance;
- l. Visit component cities and municipalities of the province at least once every six months to deepen his understanding of the problems and conditions, listen and give appropriate counsel to the local officials and inhabitants, inform the officials and inhabitants of component cities and municipalities of general laws and ordinances which will improve the quality of life of the inhabitants;
- m. 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;

- n. Authorize official trips of provincial officials and employees outside of the province for a period not exceeding thirty (30) days;
 - o. 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 said official or employee in the formulation and 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 duties while stationed in or assigned to the province;
 - p. Authorize payment for medical care, necessary transportation, subsistence, hospital or medical fees of provincial officials and employees who are injured while in the performance of their official duties and functions, subject to availability of funds;
 - q. Represent the province in inter-provincial or regional sports councils or committees, and coordinate the efforts of component cities or municipalities in the regional or national palaro or sports development activities;
 - r. Conduct an annual palarong panlalawigan, which shall feature traditional sports and disciplines included in national and international games, in coordination with the Department of Education; and
 - s. Submit to the Office of the President the following reports: an annual report containing a summary of all matters pertinent to the management, administration and development of the province and all information and data relative to its political, social and economic conditions; and supplemental reports when unexpected events and situations arise at any given time during the year, particularly when man-made or natural disasters or calamities affect the general welfare of the province, region or country.
2. Enforce all law and ordinances relative to the governance of the province and the exercise of the appropriate corporate powers provided for in Section 22 of the Local Government Code of 1991; implement all approved policies, programs, projects, services and activities of the province and, in addition to the foregoing, shall:
- a. Ensure that the acts of the component cities and municipalities of the province and its officials and employees are within the scope of their prescribed powers, duties and functions;
 - b. Call convention, conferences, seminars or meetings of elective and appointive officials of the province and its component cities and municipalities, including national officials and employees stationed in or assigned to the province, at such time and place and on such subject as he may deem important for the promotion of the general welfare of the province and its inhabitants;
 - c. Issue such executive orders for the faithful and appropriate enforcement and execution of laws and ordinances;
 - d. Be entitled to carry the necessary firearm within his territorial jurisdiction;
 - e. In coordination with the mayors of component cities and municipalities and the National Police Commission, formulate the