

[REPUBLIC ACT NO. 9028, March 05, 2001]

**AN ACT CONVERTING THE MUNICIPALITY OF HIMAMAYLAN,
PROVINCE OF NEGROS OCCIDENTAL INTO A COMPONENT CITY
TO BE KNOWN AS THE CITY OF HIMAMAYLAN**

*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 Himamaylan."

SEC. 2. *The City of Himamaylan.* — The Municipality of Himamaylan shall be converted into a component city to be known as the City of Himamaylan, hereinafter referred to as the City, which shall comprise the present jurisdiction of the Municipality of Himamaylan, Negros Occidental Province. The territorial jurisdiction of the City shall be within the present metes and bounds of the Municipality of Himamaylan, as follows:

The proposed City of Himamaylan has the following metes and bounds:

Bounded on the South-West along MBM 1 to MBM 6 by the City of Kabankalan;
along lines MBM 6 to MBM 7 by the Panay Gulf;

Bounded on the North-East along lines MBM 7 to MBM 16 by the Municipality of Binalbagan;

Bounded on the South-East along lines MBM 16 to MBM 1 by the municipalities of Tayasan and Ayungon both in the Province of Negros Oriental.

Containing an area of thirty-six thousand seven hundred four hectares (36,704 has.) based on the technical description of the approved cadastral survey of Himamaylan Cadastre under Cad 82 and the Municipal Based Map of the proposed City of Himamaylan.

| LINES | BEARINGS | DISTANCES |
|-------|-----------|-----------|
| 1-2 | N 49-56'W | 18404.70M |
| 2-3 | N63-15'W | 2433.01" |
| 3-4 | N 50-22'W | 562.00" |
| 4-5 | N 50-45'W | 1323.41" |
| 5-6 | N 2-32'W | 2476.89" |

| | | |
|-------|-----------|---------|
| 6-7 | N41-37'E | 644.37" |
| 7-8 | N 67-27'E | 573.85" |
| 8-9 | N81-15'E | 184.14" |
| 9-10 | N40-50'E | 214.11" |
| 10-11 | N87-24'E | 220.23" |
| 11-12 | N 73-47'E | 179.12" |
| 12-13 | N68-19'E | 184.02" |
| 13-14 | N53-31'E | 692.82" |
| 14-15 | N 55-50'E | 338.38" |
| 15-16 | N 66-27'E | 280.34" |
| 16-17 | N8-54'E | 135.64" |
| 17-18 | N 38-09'E | 456.51" |
| 18-19 | N28-54'E | 864.74" |
| 19-20 | N36-32'E | 557.61" |
| 0-21 | N45-00'E | 367.70 |
| 21-22 | N83-29'E | 422.73 |
| 22-23 | N 1-40'W | 344.15 |
| 23-24 | N 34-59'W | 345.39 |
| 24-25 | N 10-46'W | 276.93 |
| 25-26 | N 5-07'E | 223.90 |
| 26-27 | N23-34'W | 325.12 |
| 27-28 | N1-31'E | 377.13 |
| 28-29 | N23-12'E | 304.63 |
| 29-30 | N38-14'E | 210.06 |
| 30-31 | N 15-15'W | 513.08 |
| 31-32 | N 13-54'W | 458.39 |
| 32-33 | N 1-34'W | 550.20 |
| 33-34 | N 1-18'E | 1105.28 |
| 34-35 | N 4-09'W | 967.54 |
| 35-36 | N7-21'W | 1603.16 |
| 36-37 | N 13-38'W | 1250.82 |
| 37-38 | N77-11'E | 372.69 |
| 38-39 | N72-12'E | 191.49 |
| 39-40 | N 10-45'E | 402.06 |
| 40-41 | N 8-32'W | 741.21 |
| 41-42 | N62-16'E | 197.71 |
| 42-43 | S 56-42'E | 400.76 |
| 43-44 | N39-31'E | 466.70 |
| 44-45 | N 13-16'W | 400.70 |
| 45-46 | N31-44'E | 446.79 |
| 46-47 | S 54-40'E | 337.12 |
| 47-48 | N 54-52'E | 165.08 |
| 48-49 | S 60-50'E | 246.22 |
| 49-50 | S89-18'E | 410.03 |
| 50-51 | N46-24'E | 145.00 |
| 51-52 | S 45-00'E | 162.63 |
| 52-53 | N29-32'E | 172.41 |
| 53-54 | N83-47'E | 369.17 |
| 54-55 | N60-11'E | 291.61 |
| 55-56 | S 25-54'E | 194.55 |
| 56-57 | N74-51'E | 497.29 |
| 57-58 | N29-15'E | 143.27 |

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| 58-59 | S 84-09'E | 196.02 |
| 59-60 | S 6-20'E | 135.83 |
| 60-61 | N50-21'E | 90.91 |
| 61-62 | N11-56'E | 145.13 |
| 62-63 | S 63-26'E | 346.59 |
| 63-64 | N67-33'E | 248.85 |
| 64-65 | S 71-56'E | 199.86 |
| 65-66 | N61-46'E | 215.65 |
| 66-67 | N 13-08'E | 154.03 |
| 67-68 | N 60-41'E | 269.53 |
| 68-69 | S 69-45'E | 179.08 |
| 69-70 | N52-36'E | 214.01 |
| 70-71 | N36-45'E | 187.20 |
| 71-72 | N41-47'E | 315.16 |
| 72-73 | S 79-46'E | 208.31 |
| 73-74 | 73-74 | 122.43 |
| 74-75 | S 58-14'E | 246.98 |
| 75-76 | S31-26'E | 316.43 |
| 76-77 | S 4-54'E | 175.64 |
| 77-78 | S 65-06'E | 310.92 |
| 78-79 | S 33-26'E | 268.54 |
| 79-80 | S 2-07'E | 270.19 |
| 80-81 | S22-13'E | 259.24 |
| 81-82 | S 48-59'E | 121.92 |
| 82-83 | S 8-35'E | 268.00 |
| 83-84 | S 43-02'E | 205.18 |
| 84-85 | S 3-06'E | 185.27 |
| 85-86 | S 35-42'E | 197.04 |
| 86-87 | S 54-38'E | 190.07 |
| 87-88 | S 35-45'E | 154.03 |
| 88-89 | S 29-50'E | 300.17 |
| 89-90 | S22-15'E | 237.70 |
| 90-91 | S 38-17'E | 160.00 |
| 91-92 | S21-28'E | 1415.34 |
| 92-93 | S 79-59'E | 1227.20 |
| 93-94 | N80-55'E | 654.23 |
| 94-95 | S 58-33'E | 215.02 |
| 95-96 | N82-52'E | 161.25 |
| 96-97 | S 21-32'W | 198.88 |
| 97-98 | S 4-34'W | 213.68 |
| 98-99 | S 79-57'W | 269.14 |
| 99-100 | S 30-28'W | 197.23 |
| 100-101 | S 70-47'W | 349.46 |
| 101-102 | S 28-04'E | 510.00 |
| 102-103 | S 13-12'W | 744.66 |
| 103-104 | S 30-01'W | 256.86 |
| 104-105 | S 4-38'W | 346.13 |
| 105-106 | S 13-04'E | 256.64 |
| 106-107 | S 7-39'W | 338.01 |
| 107-108 | S85-36'E | 521.54 |
| 108-109 | S 38-17'E | 363.11 |
| 109-110 | S 70-05'E | 366.95 |

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| 110-111 | S 24-41'E | 610.78 |
| 111-112 | S 17-11'W | 507.67 |
| 112-113 | S 36-36'E | 218.00 |
| 113-114 | S 18-02'E | 226.11 |
| 114-115 | N 64-23'E | 404.78 |
| 115-116 | S 36-32'E | 336.01 |
| 116-117 | S 17-53'E | 325.73 |
| 117-118 | S 85-46'E | 135.37 |
| 118-119 | S 2-49'W | 305.37 |
| 119-120 | S 41-45'E | 435.57 |
| 120-121 | S 67-40'E | 605.39 |
| 121-122 | S 17-18'E | 588.62 |
| 122-123 | S 14-33'W | 736.61 |
| 123-124 | S 27-46'E | 107.35 |
| 124-125 | S 82-39'E | 156.28 |
| 125-126 | N45-39'E | 188.81 |
| 126-127 | N 16-25'E | 743.28 |
| 127-128 | N2-10'E | 660.47 |
| 128-129 | N 62-08'E | 395.89 |
| 129-130 | S 68-45'E | 193.13 |
| 130-131 | S 16-33'E | 316.18 |
| 131-132 | S 00-27'E | 637.02 |
| 132-133 | S 32-33'W | 1278.37 |
| 133-134 | S 28-46'W | 253.79 |
| 134-135 | S 1-37'E | 355.14 |
| 135-136 | S 30-42'E | 558.23 |
| 136-137 | S 64-29'E | 487.54 |
| 137-138 | S 15-57'E | 691.61 |
| 138-139 | N 75-58'E | 164.92 |
| 139-140 | S 50-54'E | 103.08 |
| 140-141 | S 3-06'E | 185.27 |
| 141-142 | N61-49'E | 158.82 |
| 142-143 | S 8-45'E | 394.59 |
| 143-144 | S 86-46'E | 265.45 |
| 144-145 | S 12-22'E | 373.66 |
| 145-146 | S 51-34'E | 587.22 |
| 146-147 | S 26-58'E | 319.77 |
| 147-148 | S 48-58'E | 357.95 |
| 148-149 | S 17-01'E | 256.22 |
| 149-150 | S29-31'W | 304.51 |
| 150-151 | S 5-56'W | 628.37 |
| 151-152 | S 14-02'W | 412.31 |
| 152-153 | S 25-12'W | 187.88 |
| 153-154 | S 00-26'E | 265.01 |
| 154-155 | S 38-41'E | 3380.32 |
| 155-1 | S 19-42'W | 11896.78 |

Tie line from BLLM No.1, Himamaylan Cad. 82 to corner 1, S 32 04'E, 24,158.91 M.

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 of Himamaylan and the

adjoining local government units.

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

SEC. 4. *General Powers.* — 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 general 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. *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. 6. *Jurisdiction of the City.* — The jurisdiction of the City of Himamaylan, 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 Himamaylan shall have concurrent jurisdiction with the regional trial courts and the metropolitan trial courts or city or municipal trial courts of the adjoining municipalities to try crimes and misdemeanor 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 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.

ARTICLE II

CITY OFFICIALS IN GENERAL

SEC. 7. *The Officials of the City of Himamaylan.* —

- a. There shall be in the City: a city mayor, a city vice mayor, sangguniang panlungsod members, a secretary to the sangguniang panlungsod, a city