

**[ REPUBLIC ACT NO. 8490, February 11, 1998 ]**

**AN ACT CONVERTING THE MUNICIPALITY OF MALAYBALAY INTO  
A COMPONENT CITY OF THE PROVINCE OF BUKIDNON, TO BE  
KNOWN AS THE CITY OF MALAYBALAY**

*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 Malaybalay.

SEC. 2. *The City of Malaybalay.* – The Municipality of Malaybalay is hereby converted into a component city to be known as the City of Malaybalay, hereinafter referred to as the City, which shall comprise the present territory of the Municipality of Malaybalay, Province of Bukidnon. The territorial jurisdiction of the City shall be within the present metes and bounds of the Municipality of Malaybalay.

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 jurisdictions between the City of Malaybalay and of its 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 provisions of this charter. The City shall have the following corporate powers:

- (1) To have a continuous succession in its corporate name;
- (2) To sue and be sued;
- (3) To have and use a corporate seal;
- (4) To acquire and convey real or personal property;
- (5) To enter into contracts; and
- (6) To exercise such other powers as are granted to corporations, subject to the limitations provided 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 powers 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 interest of the City, 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 said City is a party, and exercise all the powers as are granted to corporations and/or hereinafter conferred.

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 Malaybalay, for police purposes only, shall be coextensive with its territorial jurisdiction, and for the purpose of protecting and insuring 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 of any reservoir, conduit, canal, aqueduct or pumping station used in connection with the city water service. The city court of the City shall have concurrent jurisdiction with the city or municipal court of the adjoining municipalities or cities, to try crimes and misdemeanors committed within said drainage area, or within said spaces of one hundred meters. The court first taking cognizance of such an offense shall have jurisdiction to try said cases to the exclusion of others. Any license that may be issued within 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. 7. *The Officials of the City of Malaybalay.* – (a) There shall be in the City of Malaybalay 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 veterinarian, a city social welfare and development officer, and a city general services officer.

(b) In addition thereto, the city mayor may appoint a city architect, a city information officer, a city agriculturist, a city environment and natural resources officer, and a city cooperatives officer.

(c) The City of Malaybalay may:

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

(d) Unless otherwise provided herein, all appointive officials of the City 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 date of its submission otherwise the same shall be deemed confirmed.

### **ARTICLE III**

#### **THE CITY MAYOR AND VICE MAYOR**

SEC. 8. *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 (1) year prior to his election; and
- (3) A qualified voter therein. He shall hold office for three (3) 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.

(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 general welfare:

(aa) Determine the guidelines of city policies and be responsible to the sangguniang panlungsod for the program of government;

(bb) 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;

(cc) 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;

(dd) 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 said sanggunian in the performance of its legislative functions;

(ee) 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;

(ff) Represent the City in all its business transactions and sign in its behalf all bonds, contracts and obligations, and such other documents upon authority of the sangguniang panlungsod or pursuant to existing laws or ordinances;

(gg) Carry out such emergency measures as may be necessary during and in the aftermath of man-made and natural disasters and calamities;

(hh) 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;

(ii) Allocate and assign office space to 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;

(jj) Ensure that all executive officials and employees of the City faithfully discharge their duties and functions as provided 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 his official duties;

(kk) 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;

(ll) Furnish copies of executive orders issued by him to the respective council chairman within seventy-two (72) hours after their issuances;

(mm) Visit component barangays of the City at least once every six (6) months to deepen his understanding of 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;

(nn) 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;

(oo) Authorize official trips of city officials and employees outside of the City for a period not exceeding thirty (30) days;

(pp) 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 implementation of plans, programs and projects; and, when appropriate, initiate any 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;

(qq) 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;

(rr) Solemnize marriages, any provision of law to the contrary notwithstanding;

(ss) 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, Culture and Sports; and

(tt) Submit to the respective metropolitan authority council chairman and 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 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 or 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 corporate powers, as well as implement all approved policies, programs, projects, services and activities of the City and in relation thereto:

(aa) 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;

(bb) Call conventions, conferences, seminars or meetings of elective and 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 as he may deem important for the promotion of the general welfare of the local government unit and its inhabitants;

(cc) Issue such executive orders for the faithful and appropriate enforcement and execution of laws and ordinances;

(dd) Be entitled to carry the necessary firearm within his territorial jurisdiction;

(ee) Act as the deputized representative of the National Police Commission, formulate the peace and order plan of the City and, upon its approval, implement the same and as such, exercise general and operational control and