

[REPUBLIC ACT NO. 6134, August 31, 1970]

AN ACT CREATING THE CITY OF SURIGAO

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

PRELIMINARY ARTICLE

SECTION 1. *Title of Act.*-This Act shall be known as the Charter of the City of Surigao.

ARTICLE I.-*General Provisions*

SEC. 2. *Corporate character of the City.*-The City of Surigao constitutes a political body corporate and 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.

SEC. 3. *Territory of the City of Surigao.*-The City of Surigao, which is hereby created, shall comprise the present territorial jurisdiction of the Municipality of Surigao in the Province of Surigao del Norte excluding the barrios of Punta, Bilar, Ipil, Mabua and Danao and their respective sitios, or as changed hereafter according to law.

SEC. 4. *Seal and general powers of the city.*-The city shall have a common seal, which it may alter at will. It may take, purchase, receive, hold, lease, convey, and dispose of real and personal property within and without its corporate limits 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, all actions where its interests are involved, and exercise all the powers herein conferred, together with all the powers implied thereby or appropriate to the exercise thereof. The provisions of this Charter shall be liberally construed in favor of the city, to the end that it may have all the necessary powers for the efficient conduct of its municipal affairs. The specific mention of particular powers in other sections of this Charter shall not be construed as limiting the powers of the city in the premises to those thus mentioned.

SEC. 5. *Liability for damages.*-The city shall not be liable or held for damages or injuries to persons or property arising from the failure of the City Board, the Mayor or any other city officer or employee, jointly or individually, to enforce the provisions of this Charter or any other law or ordinance, or from the negligence of said City Board, Mayor or other city officers or employees while enforcing or attempting to enforce said provisions.

SEC. 6. *Jurisdiction of the city for police purposes.*- The jurisdiction of the City of

Surigao for police purposes shall be co-extensive with its territorial jurisdiction, and shall extend three miles from the shore of the city; but for the purpose of protecting and insuring the purity of the water supply of the city, 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 city service.

The City Court shall have concurrent jurisdiction with the municipal courts of the municipalities, to try crimes and misdemeanors committed within said drainage, or within said spaces of one hundred meters. The Court first taking jurisdiction of such an offense shall thereafter retain exclusive jurisdiction thereof.

SEC. 7. District; Administrative Councilor Districts.- The barrios and districts in the Municipality of Surigao organized and functioning as barrios in accordance with Republic Act Numbered Thirty-five hundred ninety and comprising the Municipality of Surigao shall, upon the effective date of this Charter, be called districts as political subdivisions of the City of Surigao and continue to retain their corporate power and corresponding names or numerical designations as such until changed or abolished by law or ordinance.

The City Board by ordinance and for administrative and other municipal purposes shall establish eight Councilor Districts each of which shall be under the charge of a councilor whose territory shall be contiguous, and may compose of one or more whole districts.

SEC. 8. Duties, responsibilities and powers over district governments.-The city government or its departments, agencies, or the officers thereof, as the case may be, shall exercise the duties and assume the responsibilities and powers over the district governments within the jurisdiction of the city as are by law conferred upon municipal and provincial governments, their departments, their agencies or their officers as the case may be, over barrio governments; including the creation of new ones.

SEC. 9. Elective officers; elections.-The elective officers of the city shall be the Mayor, the Vice-Mayor, and eight councilors, all of whom shall be elected at large by the qualified voters of the city on the date of the regular elections for provincial and municipal officials, in conformity with the provisions of the Revised Election Code, and shall assume office on the first day of January next following their election, upon qualifying, and shall hold office for four years and until their successors shall have been duly elected and qualified, unless sooner removed for cause as provided for by law.

SEC. 10. General qualifications of elective officers.-In addition to any special qualifications prescribed by this Charter, all elective officers of the city shall be qualified and registered electors of the city, at least five years prior to his election and shall hold no other public office except that of notary public or membership in the Armed Forces Reserve nor any other employment with the city or the National Government or any province or municipality.

SEC. 11. Removal of elective officers by the President.-Any elective city officer may be removed by the President of the Philippines on proof of disloyalty to the Philippine Republic, but shall be entitled as a matter of right to notice and hearing

before he may be removed, or upon conviction by final judgment by a competent court of any crime involving moral turpitude. The President may suspend such officer accused of disloyalty to the Philippine Republic for a period not exceeding thirty days pending the preparation and disposition of the charges: *Provided, however,* That should the accused be acquitted, he shall be reinstated and shall be entitled to the payment of any salary which he failed to receive during his suspension.

SEC. 12. *Disqualifying acts and practices.*-No officer or employee of the city shall give or promise to give any portion of his compensation or any money or valuable thing to any person in consideration of his having been nominated, elected, appointed or employed as such officer or employee. No officer or employee of the city shall willfully violate any provision of law relating to his office or employment, or commit any fraud upon the city or convert any of the public property to his own use or knowingly permit any other person to do so. No officer or employee of the city shall, directly or indirectly, coerce or intimidate or attempt, directly or indirectly, to coerce or intimidate, any officer or employee in the classified service of the city with a view to causing any such classified officer or employee involuntarily to resign his office or employment in the city. Any person convicted of any offense mentioned in this section, in addition to any other penalties imposed by law, shall forfeit his city office or employment.

SEC. 18. *Prohibited transactions.*-It shall be unlawful for any city officer or employee or any person related to any city officer or employee within the fourth civil degree, directly or indirectly, individually or as a member of firm to engage in any business transaction with the city; with any of its authorized officials, boards, agents, or attorney, whereby money is to be paid, directly or indirectly, out of the resources of the city to such person or firm; or to purchase any real estate or other property belonging to the city, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of the city; or to be surety for any person having a contract or doing business with the city, for the performance of which security may be required; or to be surety on official bond of any officer or employee of the city; or to have a financial interest in any transaction or contract with the city or in which the city is an interested party; or to appear as counsel to defend any person or corporation against whom the city may have filed suit. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee found guilty thereof shall thereby forfeit his city office or employment.

SEC. 14. *Full-time duty.*-Each appointive city, officer and employee shall devote his time and attention exclusively during the prescribed office hours to the duties of his office or offices unless otherwise provided for in this Charter. No city officer or employee shall hold more than one office unless expressly so provided by law. But this section shall not apply to other persons discharging public duties in the city under the National Government who receive no compensation for their services.

SEC. 15. *Salaries.*-Unless otherwise specified in this Charter, the salaries and other emoluments of the officials and employees of the City of Surigao shall be fixed in accordance with subsisting salary laws and with regulations.

SEC. 16. *Investigations and inquiries.*-Upon a written formal complaint made under oath, which on its face provides reasonable basis to believe that some anomaly or irregularity might have been committed, the City Board or Mayor or any person or

committee authorized by either of them, shall have power to inquire into the official conduct of any department, agency or officer or employee of the city and to make investigation as to city affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers, and other evidence.

SEC. 17. *Official bonds.*-The City Treasurer and all his deputies, and such other city officers or employees as the City Board may by ordinance require so to do, shall give bond in such amount and with such surety as may be approved by the Mayor. All such bonds shall be in favor of the city; and the premiums therein shall be paid by the city.

SEC. 18. *Limitations on contract for personal services.* -No contract for personal services to be furnished the city shall extend beyond the term of the Mayor in office from the time the contract is approved; nor shall any such contract be valid unless made or approved by ordinance.

SEC. 19. *Tax limitation.*-The City Board may levy an annual tax on real estate in the city not exempt from taxation at a rate not to exceed two *per centum ad valorem*: *Provided*, That the City Board, may levy an additional tax annually on all taxable real estate in the city at a rate not to exceed one *per centum ad valorem* on the condition that all proceeds from said additional levy shall be credited to and paid into a special restricted fund, to be known as the Capital Improvement Fund, to be expended exclusively for the financing of capital projects as herein denned. For the purposes of this section, the words capital project' shall be construed to mean any of the following: (a) Any physical public betterment or improvement and any engineering, architectural or other similar studies and surveys, thereon; (b) the acquisition of property of a permanent nature, including sites for city buildings, roads, or other public facilities; and (c) the purchase of equipment for any public betterment or improvement when first erected or acquired. Expenditures from any capital improvement fund so established shall be made only as authorized by ordinances, duly adopted and approved, making appropriations therefor,

SEC. 20. *Debt limits.*-Any other law to the contrary notwithstanding, the city may incur indebtedness or other obligation to the payment of which the faith and credit of the city is pledged at an amount not exceeding twenty per centum of the total assessed value of the taxable real estate of the city.

As used in this section, the term indebtedness shall be construed to be the net figure obtained by deducting from the total outstanding indebtedness of the city all sinking fund assets and other reserves inviolably pledged or committed to its payment or retirement. The words total outstanding indebtedness of the city', as herein used, shall be construed to include all indebtedness contracted in the previous year or years, whether bonded or of any kind whatsoever, but excluding the budgeted or estimated operating expenses of the city for the current fiscal year. For the purposes of this section, the assessed value of taxable real estate in the city shall be that used as basis for the city lax levy for the fiscal year next preceding that in which the indebtedness is incurred.

ARTICLE II.-*Office of the Mayor, the Vice-Mayor, and the City Secretary*

SEC. 21. *Nature of office.*-The Mayor shall be the chief executive of the city and as such shall have immediate control over the executive functions of the different

departments and agencies of the city, subject to the general supervision of the President as may be provided for by law. The City Board may, in its discretion, provide quarters for the Mayor or commute the privilege of using the same in addition to his salary provided that quarter allowance when commuted shall not exceed twenty-four hundred pesos *per annum*. He shall be entitled to other non-commutable allowances not to exceed five thousand Pesos *per annum*.

SEC. 22. *General powers and duties of the Mayor.*-Mayor shall have the following general powers and duties:

- a. To take care that the laws of the Philippines, the provisions of this Charter, and the ordinances and resolutions of the city are faithfully observed and enforced within the jurisdiction of the city;
- b. To safeguard all the lands, buildings, records, monies, credits and property and rights of the city, and subject to the provisions of this Charter, have control of all its property;
- c. To see that all taxes and other revenues of the city are collected and applied in accordance with appropriations to the payments of the city expenses;
- d. To cause to be instituted judicial proceedings to recover property and funds of the city wherever found; to cause to be defended all suits against the city and other wise to protect the interest of the city;
- e. To see that the executive officers and employees of the city are properly discharging their respective duties, and the Mayor may, in the interest of service, transfer officers and employees not appointed by the President of the Philippines from one section, division, service or department, to another section, division, service or department without changing the compensation they receive;
- f. To examine and inspect the books, records, and papers of all officials, agents, and employees of the city, over whom he has executive supervision and control, at least once a year and whenever circumstances so warrant. For this purpose he shall be provided by the City Board with such clerical or other assistance as may be necessary;
- g. To give such information and recommend such measures to the Board as he shall deem advantageous to the city;
- h. To attend, if he wishes to do so, the session of the City Board and participate in the discussion, but not to vote;
- i. To represent the city in all its business matters and sign in its behalf all its bonds, contracts, and obligations made in accordance with law or ordinance;
- j. To submit to the City Board at least one month before the beginning of each fiscal year a budget of receipts and expenditures of the city;
- k. To receive, hear, and decide as he may deem proper the protest, petitions, complaints, and claims concerning all lasses of municipal matters of an administrative and executive character;
- l. To grant or refuse city licenses or permits of all classes, including permits for benefits of whatever kind, any provision of law to the contrary notwithstanding, and to revoke the same for violation of the conditions upon which they were granted, or if acts prohibited by law or city ordinance are being committed under the protection of such licenses or in the premises in which the business for which the same have been granted is carried on, or for any other good reason of general and public interest.
- m. To take such emergency measures as may be necessary to avoid fires, floods, and the effects of storm and other public calamities;