

**[ REPUBLIC ACT NO. 5797, June 21, 1969 ]**

**AN ACT TO REVISE THE CHARTER OF THE CITY OF DUMAGUETE**

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

PRELIMINARY ARTICLE.—*Title of Act*

SECTION 1. *Title of Act.*—This Act shall be known as the Revised Charter of the City of Dumaguete.

ARTICLE I.—*General Provisions*

SEC. 2. *Territory and boundaries of the City of Dumaguete.*—The boundaries and limits of the City of Dumaguete shall comprise the territory within its present corporate limits or as hereafter changed in accordance with law.

The President of the Philippines may, by executive order, increase the territory of the City of Dumaguete by adding thereto such contiguous barrios and towns as may be necessary and desirable in the public interest.

SEC. 3. *Corporate character of the city.*—The City of Dumaguete constitutes a political body corporate and as such is endowed with the attribute of perpetual succession and possessed of the powers which pertains to a municipal corporation, to be exercised in conformity with the provisions of this Charter.

SEC. 4. *Administrative districts.*—The City Council may, by ordinance, divide the city into districts for all administrative and other municipal purposes, including the description of property. Such districts as may have been established by law in the city on or before the date on which this Charter shall take effect, shall remain in existence until changed or abolished by law or by ordinance.

SEC. 5. *Seal and general powers of the city.*—The city shall have a seal which shall be used in all documents of official character. It may acquire, take, purchase, receive, hold, barter, donate, lease, convey, and dispose of real and personal property within or without its corporate limits for the general interests 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, actions where its interests are involved, and exercise all the powers conferred by this Charter together with all the powers implied thereby or appropriate to the exercise thereof. The provisions of this Charter shall be construed liberally 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. 6. *Exemption from 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 mayor or any other city officer or employee, to enforce the provisions of the Charter, or any other law or ordinance, or from negligence of said Mayor or other city officers or employees while enforcing or attempting to enforce the provisions thereof.

SEC. 7. *Jurisdiction of the city for police purposes.*—The jurisdiction of the City of Dumaguete for police purposes shall extend throughout its territorial jurisdiction and also to six miles from the shore of Dumaguete City and over a zone surrounding the City on land of three miles in width; 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 two 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 of Dumaguete shall have concurrent jurisdiction with the Court of First Instance of Negros Oriental and the municipal courts of the respective municipalities to try crimes and misdemeanors committed within the said zone of three miles in width, within said drainage area or within said spaces of two hundred meters. The Court first taking jurisdiction of such an offense shall thereafter retain exclusive jurisdiction thereof. The police force of the several municipalities concerned shall have concurrent jurisdiction with the police force of the City of Dumaguete for the maintenance of good order and the enforcement of lawful ordinances throughout said zone, area and spaces but any license that may be lawfully granted within said zone, area or spaces shall be granted by the proper authorities of the municipality concerned, and the fees arising therefrom shall appertain to the treasury of the municipality concerned and not to that of the City of Dumaguete.

SEC. 8. *Elective officers; elections.*—The elective officers of the city shall be the mayor, the vice-mayor and the 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.

SEC. 9. *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 and 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 with the National Government or any province or municipality.

SEC. 10. *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 be entitled to the payment of any salary which he failed to receive during his suspension.

SEC. 11. *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 detail or cause, any officer or employee of the city to do or perform any service or work outside of his public office, work or employment. 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 with the city. Any person convicted of any offense enumerated in this section, in addition to any other penalties by law, shall forfeit his city office or employment.

SEC. 12. *Prohibited transactions.*—It shall be unlawful for any city official or employee, directly or indirectly, to engage in any business transaction with the city, or with any of its authorized officials, boards, agents, or attorneys, whereby money is to be paid, directly or indirectly, out of the resources of the city to such city official or employee; 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 the official bond of any official 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. 13. *Full-time duty.*—Each appointive city official and employee shall devote his time and attention exclusively during the usual office hours to the duties of his office. A city officer or employee shall hold no other public office except that of notary public in connection with his official duties or membership in the Armed Forces reserve. 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. 14. *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 council or the 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 official or employee of the city and to make investigation as to city affairs, and for these purposes may *subpoena*

witnesses, administer oaths, and compel the production of books, papers, and other evidence.

SEC. 15. *Official bonds.*—The city treasurer and all his deputies, and such other city officials or employees as the city council 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 thereon shall be paid by the city.

SEC. 16. *Limitations on contracts for personal services.*— No contract for personal services to be furnished the city shall extend beyond the term of the mayor in office at the time the contract is approved; nor shall any such contract be valid unless made or approved by ordinance.

SEC. 17. *Tax limitations.*—The city council 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 council 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 defined. 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 thereto; (b) the acquisition of property of a permanent nature, including sites for city buildings, roads, or other public facilities; (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. 18. *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 to an amount not exceeding twenty *per centum* of the total assessed value of the taxable real estate in 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 whatever, 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 a basis for the city tax 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 Secretary to the Mayor*

SEC. 19. *Nature of office; qualifications, compensation.*—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. He shall be at least thirty years of age, and shall have been a resident of and a registered voter in the city for at least five years immediately prior to and at the time of his election. He shall hold office for four years unless sooner removed for cause as provided for by law, and shall receive a salary as provided for in Republic Act Numbered Four thousand four hundred seventy-seven and a commutable living allowance of five thousand pesos *per annum*.

SEC. 20. General powers and duties of the mayor.—The mayor shall have the following general powers and duties:

1. To see that the provisions of this Charter, the ordinances of the city, and all laws within the jurisdiction of the city are faithfully enforced;
2. To safeguard all the lands, buildings, records, monies, credits, and other properties and rights of the city, and, subject to the provisions of this Charter, to have control thereof;
3. To see that all taxes and other revenues of the city are collected, and applied in accordance with appropriations to the payment of the city expenses;
4. To cause to be instituted judicial proceedings to recover property and funds of the city wherever found and to cause to be defended all suits against the city, and otherwise to protect the interests of the city;
5. To see that executive officials and employees of the city are properly discharging their respective duties. The Mayor may, in the interest of the 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;
6. To examine and inspect the books, records, and papers of all officials agents, and employees of the city whenever occasion arises and at least once in each year;
7. To give such information and recommend such measures to the city council as he shall deem advantageous to the city;
8. 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;
9. To submit to the city council at least two months before the beginning of each fiscal year a budget of receipts and, expenditures of the city;
10. To receive, hear, and decide, as he may deem proper, the petitions, complaints, and claims of the residents of the city concerning all classes of municipal matters of an administrative and executive character;
11. To grant or refuse municipal 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 interests
12. To exempt with the concurrence of the division superintendent of schools deserving poor pupils from the payment of city school fees or of any part thereof;