

[REPUBLIC ACT NO. 5444, September 09, 1968]

AN ACT CREATING THE CITY OF BAIS

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

SECTION 1. This Act shall be known as the Charter of the City of Bais.

ARTICLE I.—*The City as a Public Corporation*

SEC. 2. *Territory of the City of Bais.*—The City of Bais, which is hereby created, shall comprise the present territorial jurisdiction of the Municipality of Bais, Province of Negros Oriental.

SEC. 3. *Corporate Character.*—The City of Bais constitutes a political body corporate and as such is endowed with the attribute 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. 4. *General powers.*—The city shall have a common seal, and may alter the same at pleasure, and may take, purchase, receive, hold, lease, convey, and dispose of real and personal property for the general interests of the city, condemn private property for public use, contract and be contracted with, sue and be sued, and prosecute as well as defend to final judgment and execution, actions where its interests are involved, and exercise all the powers hereinafter conferred.

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 Mayor, the Municipal Board or any other city officer or employee, to enforce the provisions of this Charter, or of any other law or ordinance, or from the negligence of said mayor, municipal board or other city officers or employees while enforcing or attempting to enforce said provisions: Provided, however, That nothing herein contained shall prevent any aggrieved party from filing a personal action in the proper court against any official or employee of the city government for any act or omission in the performance of his duties.

SEC. 6. *Jurisdiction of the City.*—The jurisdiction of the City of Bais for police purposes only shall be co-extensive with its territorial jurisdiction; and shall extend to three miles from the shores of the city; 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 Municipal Court of the city shall have concurrent jurisdiction with the Justice of the Peace Court of the respective municipalities to try crimes and misdemeanors committed within said drainage area,

or within said spaces of one 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 for the maintenance of good order and the enforcement of ordinances throughout said zone, area and spaces. But any license that may be issued within said zone, area or spaces shall be granted by the authorities of the municipality concerned, and the fees arising therefrom shall accrue to the treasury of the said municipality concerned and not to that of the city.

ARTICLE II.—*The Mayor and the Vice-Mayor*

SEC. 7. *The Mayor.*—The 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 Mayor unless at the time of the election he is at least twenty-five years of age, a resident of the city for at least two years prior to his election, and a qualified voter therein. He shall hold office for four years unless sooner removed and shall receive a salary provided for in Republic Act Numbered Four thousand four hundred seventy-seven. He shall have a commutable allowance of two hundred pesos per month in addition to his salary and a non-commutable allowance of four thousand pesos *per annum*,

SEC. 8. *The Vice-Mayor.*—There shall be elected a Vice-Mayor who shall perform the duties and exercise the powers of the Mayor in the event of death, sickness, absence, or other temporary incapacity of the Mayor. The Vice-Mayor shall be elected in the same manner as the Mayor and shall, at the time of his election, possess the same qualifications as the Mayor.

In the event of a permanent vacancy in the office of the Mayor, the Vice-Mayor shall become Mayor for the completion of the unexpired term. If the Vice-Mayor is temporarily incapacitated for the performance of his official duties, the Councilor who received the highest number of votes in the last election shall serve as acting Vice-Mayor; and in the event of such inability of the elected Mayor, the Vice-Mayor is, for any reason temporarily incapacitated for the performance of the duties of the Mayor, or the office of the Vice-Mayor is vacant, the Councilor who received the highest number of votes in the last election shall serve as Acting Mayor and while so serving shall not perform any duty as a member of the Council but shall continue to hold the office of Councilor. In such event, the remaining members of the Council, shall elect from among themselves the presiding officer. For service as Acting Mayor or Acting Vice-Mayor, the Vice-Mayor or Councilor shall receive a total compensation equivalent to the salary of the Mayor or Acting Vice-Mayor, as the case may be, during such period.

In the event of temporary incapacity of the Mayor to perform the duties of his office on account of absence on leave, sickness, or any temporary incapacity, the Vice-Mayor shall perform the duties and exercise the powers of the Mayor except the power to appoint, suspend or dismiss employees. In the event the Vice-Mayor is temporarily incapacitated to perform the duties of the office of the Mayor, the Councilor who obtained the largest number of votes among the incumbent Councilors in the local elections immediately preceding shall perform the duties and exercise the powers of the Mayor except the power to appoint, suspend or dismiss employees.

The Vice-Mayor shall perform such other duties as may be assigned to him by the

Mayor or prescribed by law or ordinance. He shall receive a salary provided for in Republic Act Numbered four thousand four hundred seventy-seven.

SEC. 9. General powers and duties of the Mayor.—The Mayor shall have immediate control over the executive and administrative functions of the different departments of the city, subject to the supervision of the President of the Philippines. He shall have the following general powers and duties:

- (a) To comply with and enforce and give the necessary orders for the faithful enforcement and execution of the laws and ordinances in effect within the jurisdiction of the city.
- (b) To safeguard all the lands, buildings, records, moneys, credits, and other property and rights of the city and, subject to the provisions of this Charter, have control and administration of all property owned and operated by the city.
- (c) To see that all taxes and other revenues of the city are collected and applied in accordance with appropriations to the payment of the municipal 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 otherwise to protect the interest of the city.
- (e) To see that the executive officers and employees of the city properly discharge 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 or service to another section, division, or service within the same department without changing the compensation they receive.
- (f) To examine and inspect the books, records and papers of all officers, agents, and employees of the city over whom he has executive supervision and control whenever occasion arises and at least once a year. For this purpose he shall be provided by the Municipal 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, either in person or by a duly authorized representative, the session of the Municipal Board and participate in its discussion, but not to vote.
- (i) To represent the city in all its business matters, and sign on its behalf all its bonds, contracts, and obligations made in accordance with law and ordinances.
- (j) To submit to the Municipal Board at least two and a half months before the beginning of the ensuing fiscal year a budget of receipts and

expenditures of the city.

(k) To receive, hear, and decide as he may deem proper the petitions, complaints, and claims concerning all classes of municipal matters of an administrative or executive character.

(l) To grant or refuse municipal licenses or permits of all classes and to revoke the same for violations of the conditions upon which they were granted, or if acts prohibited by law or municipal ordinances are being committed under the protection of such licenses or in the premises in which the business for which the same has been granted is carried on, or for any other reason of general interest.

(m) To exempt, after consultation with the Division Superintendent of Schools, deserving poor pupils from the payment of school fees or of any part thereof.

(n) To take such emergency measures as may be necessary to avoid fires, floods, and to mitigate the effects of storms and other public calamities.

(o) To approve or disapprove all ordinances and resolutions passed by the City Board.

(p) To perform such other duties and exercise such other powers as may be prescribed by law or ordinance.

SEC. 10. *Secretary to the Mayor.*—The Mayor shall appoint one secretary who shall have the rank of a department head and who shall have charge and custody of all records and documents of the city and of any office or department thereof for which provision is not otherwise made; shall keep the corporate seal and affix the same with his signature to all ordinances and resolutions signed by the Mayor and all other official documents and papers of the government of the city as may be required by law or ordinance; shall attest all executive orders, proclamations, ordinances and resolutions signed by the Mayor and shall perform such other duties as the Mayor may require of him; shall, upon request, furnish certified copies of all city records and documents in his charge which are not of a confidential nature, and collect and receive such fees as may be prescribed by law or resolution of the Municipal Board. He shall also perform such duties as are required by the heads of departments of the city government by Section eighteen hereof. The position of the Secretary shall be regarded as within the unclassified civil service but may be filled in the manner in which classified positions are filled and if so filled, the appointee shall be entitled to all the benefits and privileges of classified employees, except that he holds office only during the term of the appointing Mayor and until a successor in the office of the secretary is appointed and qualified, unless sooner separated. He shall receive a salary provided for in Republic Act Numbered Four thousand four hundred seventy-seven.

ARTICLE III.—*The Municipal Board*

SEC. 11. *Constitution and organization of the Municipal Board.*—The Municipal Board shall be the legislative body of the city, and shall be composed of the Vice-Mayor,

who shall be its presiding officer, and eight councilors who shall be elected at large by the qualified voters of the city. The Vice-Mayor shall have no right to vote except in case of a tie.

If the Vice-Mayor or a member of the Municipal Board shall be a candidate for office in any election, he shall be disqualified to act with said body in the performance of the duties thereof relative to such election, and if, for such reason, the number of members should be unduly reduced, the President shall appoint any disinterested voter of the city, belonging to the political party of the disqualified member, to act in his place in such matters.

The members of the Municipal Board shall receive a salary provided for in Republic Act Numbered Four thousand four hundred seventy-seven.

SEC. 12. Qualifications, election, suspension and removal of members.—The members of the Municipal Board shall, at the time of their election, be qualified electors of the city, residents thereof for at least two years immediately prior to their election and not less than twenty-three years of age. Such members may be suspended or removed from office under the same circumstances, in the same manner, and with the same effect, as elective provincial officers, and the provisions of law governing the suspension or removal of elective provincial officers are hereby made applicable in the suspension or removal of said members.

Elections for members of the Board shall be held on the date of the regular election for provincial and municipal offices, and elected members 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. The eight candidates receiving the greatest number of votes shall be declared elected.

A vacancy in the Municipal Board shall be filled in accordance with the provisions of the Revised Election Code.

SEC. 13. Secretary of the Board.—The Board shall have a secretary who shall be appointed by the Mayor with the consent of the Board to serve during the term of office of the members thereof. He shall have the rank of a department head. A vacancy in the office of the Secretary may be filled temporarily by the Mayor. The secretary shall be in charge of the records of the Municipal Board. He shall keep a full record of the proceedings of the Board, and file all documents relating thereto; shall record, in a book kept for that purpose, all ordinances and all resolutions and motions directing the payment of money or creating liability, enacted or adopted by the Board, with the dates of passage of the same, and of the publication of ordinances; shall keep a seal, circular in form, with the inscription "Municipal Board—City of Bais," in the center of which shall be placed the arms of the city, and affix the same, with his signature, to all ordinances and other official acts of the Board and shall present the same for signature to the Presiding Officer; shall cause each ordinance passed to be published as herein provided; shall, upon request furnish certified copies of all records of public character in his charge under the seal of his office and collect and receive therefor such fees as may be prescribed by resolution of the Board; and shall keep his office and all records therein which are not of a confidential nature open to public inspection during usual business hours. The compensation of the secretary shall be that which is provided for in Republic Act.