

[REPUBLIC ACT NO. 4894, June 17, 1967]

AN ACT CREATING THE CITY OF CADIZ

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 Cadiz.

ARTICLE I. *The City as a Public Corporation*

SEC. 2. *Territory of the City of Café.*—The City of Cadiz, which is hereby created, shall comprise the present territorial jurisdiction of the Municipality of Cadiz in the Province of Negros Occidental.

SEC. 3. *Corporate character.*—The City of Cadiz 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. *Seal and general powers of the City.*—The City shall have a seal, which shall be used in all documents of official character, and alter the same at pleasure. It may acquire, receive hold, barter, donate, 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, prosecute and defend to final judgment and execution 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, to enforce the provisions of this Charter, or any other law or ordinance, or from negligence of said Mayor, Municipal Board, or other officers while enforcing or attempting to enforce said provisions.

SEC. 6. *Jurisdiction of the City.*—The jurisdiction of the City of Cadiz for police purposes shall be co-extensive 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 one hundred meters of any reservoir, conduit, canal, aqueduct or pumping station used in connection with the city water service.

SEC. 7. *Relations between the City of Cadiz and the Provincial Government of Negros Occidental.*—For election purposes, the City of Cadiz unless otherwise provided shall continue as part of the First Congressional District of the Province of Negros Occidental. The voters of the City of Cadiz shall take part in the election of provincial officers of Negros Occidental, but the latter shall have no jurisdiction over the City of Cadiz and the officers of the same.

ARTICLE II.—*The Mayor*

SEC. 8. *The Mayor.*—The Mayor shall be elected by the qualified electors of the city. He shall be at least thirty years of age, a resident of the city at least five years prior to his election, and a qualified voter therein: *Provided*, That the first election for mayor shall be held at the general elections for provincial and municipal officials next following the approval of this Act. He shall hold office for four years, unless sooner removed for just cause and with due process of law, and shall receive a salary of not exceeding fifteen thousand pesos *per annum*. The Municipal Board may, in its discretion, provide quarters for the mayor or commute the same in addition to his salary.

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. The Mayor may receive, in addition to his salary, an allowance to be fixed by the Municipal Board, which he may disburse for any lawful purpose incident to his duties as Mayor.

SEC. 9. *The Vice-Mayor.*—There shall be a Vice-Mayor, who shall perform the duties of Mayor in the event of the sickness, absence or other temporary incapacity of the Mayor, or in the event of definite vacancy in the position of Mayor, until said office is filled in accordance with law. The Vice-Mayor shall also preside over the meeting of the Municipal Board, but he shall have no right to vote except in ease of tie. If, for any reason, the Vice-Mayor is temporarily incapacitated for the performance of the duties of the mayor, or said office of the Vice-Mayor is vacant, the duties of the mayor shall be performed by a councilor who obtained the highest number of votes in the last election. If, in any event, the Vice-Mayor is discharging the duties of the Mayor, the councilor obtaining the highest number of votes in the last election shall be the presiding officer of the Municipal Board.

The Vice-Mayor shall perform such other duties as maybe assigned to him by the mayor or prescribed by law or ordinance. He shall so elected in the same manner as the mayor and shall at the time of his election possess the same qualifications as the mayor. For services as acting

Mayor the Vice-Mayor shall receive a compensation equivalent to the salary of the mayor during such period.

SEC. 10. *General powers and duties of the Mayor.*—As chief executive of the city government, the mayor shall have immediate control over the executive and administrative functions of the different departments, and shall be held accountable for the proper administration of all affairs of the city.

He shall have the following powers and duties:

- (a) To comply with and enforce and give necessary orders for the faithful and proper enforcement and execution of the laws and city ordinances and resolutions in effect within the jurisdiction of the city.
- (b) To have direct control and supervision over all the lands, buildings, records, moneys, credits, and other property and right 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 the city funds applied in accordance with appropriations to the payment of 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 interests of the city.

(e) To see that the officers and employees of the city properly discharge their respective duties.

(f) To examine and inspect the books, records, and papers of all executive or administrative officers, agents, and employees of the city 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 represent the city in all its business matters, and sign on its behalf all its bonds, contracts, and obligations made in accordance with law or ordinances.

(i) To submit to the Municipal Board before the thirty-first day of October of each year a budget of receipts and expenditures of the city.

(j) 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.

(k) To grant or refuse municipal licenses or permits of all classes and to revoke same, or for violation of the provisions of laws and ordinances, or for violation 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 have been granted is carried on, or for any other good reason of general interest.

(l) To determine according to law or ordinance the time, manner, and place of payment of the salaries and wages of the officers and employees of the city.

(m) To make all appointments, except as otherwise provided in this Charter.

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

- (o) To render an annual report to the Office of the President.
- (p) To exercise the power of veto, but any vetoed ordinance or resolution may be repassed by two-thirds vote of all the members of the Board.
- (q) To perform such other duties and exercise such executive powers as may be prescribed by law or ordinance.
- (r) Subject to the provisions of the Civil Service Law, to appoint all officers and employees of the City of Cadiz.

SEC. 11. *Secretary to the Mayor.*—The Mayor shall appoint one secretary who shall hold office at the pleasure of the mayor and who shall receive a compensation of not exceeding six thousand six hundred pesos *per centum* and one assistant secretary with an annual compensation of not exceeding four thousand eight hundred pesos who shall perform the duties of the secretary when absent and such other duties assigned to him by the secretary.

The Secretary 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 custom, in the discretion of the mayor; 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, on demand, furnish certified copies of all city records and documents in his charge which are not of a confidential character, and collect and receive such fees as may be prescribed by resolution of the Board. He shall also perform such duties as are required of the heads of departments of the city government, by Section twenty, and for the purposes of said section, the secretary will be considered the head of a department. The position of the secretary shall be regarded as within the unclassified civil service. The appointee shall be entitled to all the benefits and privileges of classified employees.

ARTICLE III.—*The Municipal Board*

SEC. 12. *Organization.*—The Municipal Board shall be the legislative body of the city, and shall consist of the vice-mayor, as the presiding officer, and eight councilors elected by popular vote. The vice-mayor shall have no right to vote except in case of a tie. The presiding officer shall sign all ordinances, and all resolutions and motions directing the payment of money or creating liability, enacted or adopted by the Board. In case of sickness of any member of the Board, or if, for any reason it becomes necessary to maintain a quorum, the President of the Philippines may make a temporary appointment until the return to duty of the sick or absent member. During the period of such temporary appointment, the person receiving the same shall possess all the rights and perform all the duties of a member of the Board. The members of the Board shall receive a salary of not exceeding six thousand six hundred pesos *per centum* and the Vice-Mayor shall receive a salary of not exceeding seven thousand eight hundred pesos *per centum*

SEC. 13. *Election, suspension and removal of members.*— The members of the Municipal Board shall be elected at large and each of them at the time of election shall be a resident of the city for at least one year; must be a qualified elector 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.

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 until their successors are elected and qualified.

If any member of the Municipal Board should be a candidate for office in any election, he shall be incompetent to act with the Board in the discharge of the duties herein conferred upon it as to election matters, and in such case the other members of the board shall discharge said duties without his assistance, or the municipal board may choose some disinterested elector of the city to act on the Board in such matters in his stead.

SEC. 14. *Secretary of the Board.*—The Board shall have a secretary, who shall be appointed by the mayor to serve during the term of the appointing power. A vacancy in the office of the secretary shall be filled temporarily or for the unexpired term in like manner. The secretary shall be in charge of the 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 Cadiz", 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 of the Board; shall cause ordinance passed to be published as herein provided; shall, on demand, 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 character open to public inspection during usual business hours. His compensation as secretary shall be fixed by the Board at not exceeding six thousand pesos a year.

SEC. 15. *Appropriation ordinances.*—The Board shall make all appropriations for the expenses of the government of the city. Whenever the Board fails to pass an appropriation ordinance for any year before the end of the previous year, the appropriation ordinance for such previous year shall be deemed reenacted, and shall go into effect on the first day of July of the new year as the appropriation ordinance for that year, and such appropriation ordinance shall be deemed into effect on the first day of July of each year, as the appropriation ordinance for that year, until a new appropriation ordinance is duly enacted.

SEC. 16. *Method of transacting business by the Board; Veto; Authentication and publication of ordinances.*—The Board shall hold one ordinary session for the transaction of business during each week on a day which shall be fixed by resolution, and such extraordinary sessions as may be called by the mayor. It shall sit with open doors, unless otherwise ordered by an affirmative vote of five