

[**REPUBLIC ACT NO. 4645, June 01, 1966**]

AN ACT CREATING THE CITY OF OLONGAPO

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

ARTICLE I.—*Title of Act*

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

ARTICLE II.—*General Provisions*

SEC. 2. *Territory of the City of Olongapo.* The City of Olongapo, which is hereby created, shall comprise the present territorial jurisdiction of the Municipality of Olongapo, Province of Zambales. The boundaries and limits of the City of Olongapo are established and described as follows:

Bounded on the NW and N. by the Municipality of Subic; on the E. by the Municipality of Subic and Subic Naval Base (Swo-40367, Parcel 1); on the S. by the U.S. Naval Base (Swo-40367, Parcel 1); and on the W. by U.S. Naval Base, Swo-40367, Parcel 8 (Subic Bay).

Beginning at the point marked "1" on the southern bank of Matain River, at the mouth entering Subic Bay at a point 0339-4360; thence following northeasterly direction along the southern bank of the Matain River to the southern line of the Philippine National Highway No. 7 at a point 0445-4380; thence following a northeasterly direction along the eastern bank of Matain River at a point 0980-5220; thence due East, 2529.81 m. on Mt. Balakibok at a point 1230-5220; thence due east up to the provincial boundary of Zambales and Bataan; thence due Southwest along the provincial boundary of Zambales Province and Bataan Province, up to the Philippine National Highway No. 7; thence following a westerly direction of the southern line of the Philippine National Highway No. 7 at a point 0870-5320; thence following a southerly direction along the 50 contour to the western bank of the drainage canal at a point 0815-4230; thence following the southerly direction along the north bank of the drainage to a point of the Saluysuy River at a point 0820-4100; thence following the westerly direction along the north bank of the drainage canal to a portion of Manila Avenue, Community of Olongapo at a point 0700-4100; thence

following the northwesterly direction along the north bank of the drainage canal to a point on the eastern bank of the Kalaklan River at a point 0635-4125; thence following a southwesterly direction of the northern bank of Kalaklan River to the north line of the Philippine National Highway No. 7 at a point 0615-4095; thence following the westerly direction of the northern line of the Philippine National Highway No. 7 across the Kalaklan River on the western bank at a point 0610-4100; thence following the seaward line of the Philippine National Highway No. 7 to the westernmost promontory north of the Olongapo Cemetery at a point 0565-4140; thence following the northwesterly direction along the coast of Subic Bay to the southern bank of Matain River, at the mouth of Subic Bay, point of beginning, containing an approximate area of eighteen thousand five hundred hectares.

The territory of the City of Olongapo shall also include, subject to existing treaties and executive agreements entered into between the Republic of the Philippines and the United States of America, the islands of Mayanga, Grande and Chiquita, as well as that area within the Province of Zambales indicated in plan Swo-40367, parcel one of the Bureau of Lands.

SEC. 3. *Corporate character of the City.*—The City of Olongapo 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 common seal, and may alter the same at pleasure. It may take, purchase, receive, hold, lease, convey, and dispose of real and personal 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. *The City not liable for damages.*—The City shall not be liable or held for damages or injuries to persons or property arising from failure of the city council, the Mayor or any other city officer or employee, to enforce the provisions of this Charter, or any other law or ordinance, or from negligence of said city council, Mayor or city officers or employees while enforcing or attempting to enforce the provisions thereof: *Provided*, That nothing herein contained shall prevent any aggrieved party from filing personal action in the proper court against any official or employee in the city government for any action or omission in the performance of his duties.

SEC. 6. *Jurisdiction of the City.*—The jurisdiction of the City of Olongapo for police purposes shall be co-extensive with its territorial jurisdiction; shall extend to six miles from the shore of the city; and for the purpose of protecting and insuring the purity of water supply of the city, such police jurisdiction shall also extend over all territories within the watershed 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 shall have concurrent jurisdiction with the municipal or city courts of the respective municipalities or cities, to try crimes and misdemeanors committed within said watershed 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 forces of the several municipalities and cities 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 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 of Olongapo.

SEC. 7. *Income, receipts and profits derived from sale and/or administration of alienable and disposable lands of the public domain.*—All incomes, receipts, and profits derived from the sale, disposition and/or administration of alienable and disposable lands of the public domain within the City of Olongapo shall accrue to the city notwithstanding any provision of law to the contrary.

ARTICLE III.—*The Mayor*

SEC. 8. *The Mayor.* The Mayor shall be elected at large by qualified voters of the city. He shall be at least twenty-five years of age, a resident of the City for at least three 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 cause as provided by law and with due process.

He shall receive a salary provided for by existing laws. Through an ordinance approved by the city council, the Mayor may be provided, in addition to his salary, a commutable allowance of not exceeding six thousand pesos *per annum*.

SEC. 9. *The Vice-Mayor.*— There shall be a vice-mayor who shall be chosen in the same manner as the City Mayor, and shall possess the same qualifications as that of the City Mayor. He shall perform the duties and exercise the powers of the City Mayor in the event of death, sickness, absence or other temporary incapacity of the incumbent, or in the event of a permanent vacancy in the position of city mayor.

If, for any reason, the Vice-Mayor is temporarily incapacitated in the performance of the duties of the City Mayor, or said office of the vice-mayor is vacant, the duties and powers of the City Mayor shall be performed and executed by the councilor who obtained the highest number of votes during the election for members of the city council.

The Vice-Mayor shall perform such other duties as may be assigned to him by the City Mayor or prescribed by law or ordinance. He shall receive a salary provided for by existing laws.

SEC. 10. *General powers and duties of the Mayor.*—Unless otherwise provided by law, the Mayor shall have immediate control over the executive and administrative functions of the different departments of the City, subject to the authority and supervision of the President. 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 provisions of this Charter and other 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 over 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 payment 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 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.
- 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 of least twice a year, and whenever occasion arises. For this purpose he shall be provided by the City Council with such clerical or other assistance as may be necessary.
- g. To give such information and recommend such measures to the City Council as he shall deem advantageous to the City.
- h. 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.
- i. 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.
- j. To receive, hear, and decide, as he may deem proper, the petitions, complaints, and claims of the residents concerning all classes of city matters of an administrative or executive character.
- k. To grant or refuse municipal licenses or permits of all classes 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 interest.
- l. To exempt, with the concurrence of the division superintendent of schools, deserving poor pupils from paying of school fees or of any part thereof.
- m. To submit an annual report to the President of the Philippines.
- n. To take such emergency measures as may be necessary to avoid fires and floods and to mitigate the effects or storms and other public calamities.
- o. Subject to the provisions of the Civil Service Law, to appoint all officers and employees of the City of Olongapo whose salaries are paid fully or partly from city funds, any existing law to the contrary notwithstanding, except those whose appointments are vested in the President, or otherwise provided for in the charter. Officers and employees appointed by the mayor may be suspended or removed by him in accordance with law. The mayor shall have also the power to appoint employees whose duties are strictly confidential in nature, and who shall hold office at his pleasure.
- p. To attend, if he wishes to do so, the sessions of the city council and participate in the discussions, but not to vote.
- q. To perform such other duties and exercise such other executive powers as may be prescribed by law or ordinances.

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 as provided for by existing laws.

The secretary shall have charge and custody of all records and documents of the city and 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 to 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; shall, upon request, furnish certified copies of all city records and documents in his charge which are not of a confidential character for which he shall charge twenty centavos for each one hundred words or fraction thereof, including the certificate, such fees to be paid directly to the city treasurer; and shall perform such other duties as the Mayor may require of him.

SEC. 12. *City Administrator.*—Upon the recommendation of the Mayor, the City Council may provide, by ordinance approved by a vote of at least three-fourths of all the councilors, for the establishment of the position of city administrator, with the following powers, duties and responsibilities to be exercised under the direction, control and supervision of the Mayor:

- a. To supervise and coordinate the work of all departments and agencies under the jurisdiction of the Mayor, except such as may be expressly excluded in the ordinance establishing the position of the city administrator;
- b. To serve as budget officer of the city;
- c. To be responsible for the development and administration of a sound personnel system for the city consistent with the governing provisions of the Civil Service Law; and to establish and maintain a roster of all employees of the city, whether or not in the classified service, in which there shall be set forth, as to each employee, the class, title of the position held, the salary or pay, any change in class, title, pay or status, and other pertinent data;
- d. Subject to any applicable Civil Service Law or regulation, to prepare and recommend for adoption by the City Council, with the approval of the Mayor first had, a comprehensive pay plan for the appointive officers and employees of the City, which shall be based on the duties, authority and responsibility of the various positions; and to recommend changes in and revisions to such plan from time to time as he may deem necessary or desirable;
- e. To conduct a continuous study of the work and the internal organization and procedures of all offices, departments, and agency under the jurisdiction of the Mayor, and to develop and prescribe accepted administrative procedures, and establish management and work standards therefor;
- f. To analyze and report to the Mayor concerning impending policy decisions affecting the management of the city and its agencies;
- g. To convene the heads of departments and agencies under the jurisdiction of the Mayor, singly or collectively, for the purpose of conference, discussion and report;
- h. To conduct research and prepare reports which give continuing attention to problems involving the effective and economical organization and