

[ **REPUBLIC ACT NO. 4584, June 19, 1965** ]

**AN ACT CREATING THE CITY OF LAOAG**

*Be it enacted by the Senate and House of Representatives 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 Laoag.

**ARTICLE II.—General Provisions**

SEC. 2. *Territory of the City of Laoag.*—The City of Laoag, which is hereby created, shall comprise the present territorial jurisdiction of the Municipality of Laoag, Province of Ilocos Norte.

SEC. 3. *Corporate character of the city.*—The City of Laoag 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 the general interests of the city, condemn private property for public use, contract and be contracted with, sue and be sued, 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. *City not liable 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 Mayor, the City Council, 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 City Mayor, City Council 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 Laoag for police purposes 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 one 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 court of the respective municipalities to try crimes and misdemeanors committed within said drainage area, or within said space of one hundred meters. The court first taking jurisdiction of such an offense shall thereafter retain exclusive jurisdiction thereof. The police forces 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 space. But any license that may be issued within said zone, area or space shall be granted by the proper 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 III.—The City Mayor and City Vice-Mayor**

SEC. 7. *The City Mayor.*—The Mayor shall be the chief executive of the city. He shall be elected by the qualified voters of the city and shall hold office for a term of four years, the first elected mayor to begin serving upon the expiration of the term of office of the incumbent municipal mayor. He shall receive a compensation of six thousand pesos *per annum*, and shall be entitled in addition to this salary, to a non-commutable allowance of not exceeding two thousand four hundred pesos *per annum*. No person shall be eligible for election as mayor unless he is not less than thirty years of age, a resident of the city or that of the former Municipality of Laoag for at least two years prior to his election, and a qualified voter therein.

SEC. 8. *The City 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 the 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 for 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 exercised by the councilor who obtained the highest number of votes during the election for members of the City Council. The Vice-Mayor shall be the presiding officer of the City Council with no right to vote except in case of tie, and 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 compensation of four thousand two hundred pesos *per annum*.

SEC. 9. *General powers and duties of the City Mayor.*—Unless otherwise provided by law, the City 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 Office 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 laws and ordinances in effect within the jurisdiction of the city;
- b. To safeguard all the lands, buildings, records, moneys, credits, and other properties 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 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 interests 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 and with the approval of the department head concerned of the National Government first had, 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 at least once 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 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 municipal matter 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 municipal ordinance are being committed under the protection of such license 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, the payment of school fees or any part thereof;
- m. To take such emergency measures as may be necessary to avoid fires and floods and mitigate the effects of storms and other public calamities;
- n. To submit an annual report to the Office of the President; and
- o. To perform such other duties and exercise such other executive powers as may be prescribed by law or ordinance.

SEC. 10. *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, to be fixed by ordinance approved by the Office of the President, at not less than one thousand eight hundred pesos *per annum*.

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 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 and 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.

#### **ARTICLE IV.—The City Council**

SEC. 11. *Composition and compensation.*—The City Council 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 during every election for provincial, city and municipal officials in conformity with the provisions of the Revised Election Code. In case of sickness, absence, suspension or other temporary disability of any member of the council, or if necessary to maintain a *quorum*, the President of the Philippines may appoint a temporary substitute who shall possess all the rights and perform all the duties of a member of the council until the return to duty of the regular incumbent.

If the vice-mayor or any member of the City Council 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 matter. The members of the City Council shall receive a salary of one thousand eight hundred pesos each *per annum*.

SEC. 12. *Qualifications, election, suspension, and removal of members.*—The members of the City Council shall, at the time of their election, be qualified voters of the city, residents therein for at least two years prior to their election, and not less than twenty-five 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 officials and the provisions of law governing the suspension or removal of elective provincial officials are hereby made applicable in the suspension or removal of said members.

Elections for members of the council shall be held on the date of the regular election for provincial, city and municipal officials, and elected members all assume office on the first day of January immediately 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 city council shall be filled in accordance with the provisions of the Revised Election Code.

SEC. 13. *Secretary of the Council.*—The council shall have a secretary who shall be appointed by it to serve during the term of office of the members thereof. The compensation of the secretary shall be fixed by ordinance at not less than one thousand eight hundred pesos *per annum*. A vacancy in the office of the secretary shall be filled temporarily for the unexpired term in like manner.

The secretary shall be in charge of the records of the city council. He shall keep a complete record of the proceedings of the council, 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 council, with the dates of passage of the same and of the publication of ordinances; shall keep a seal, circular in form, with the inscription "City Council—City of Laoag," in the center of which shall be placed the coat of arms of the city, and affix the same, with his signature to all ordinances and other official acts of the council 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 council; and shall keep his office and all records therein which are not of a confidential nature open to public inspection during usual business hours.

SEC. 14. *Legislative procedure.*—The city council shall hold one regular session for the transaction of business each week on a day which it shall fix by resolution, and such special sessions as may be necessary for the public interest, as may be called by the mayor. Its sessions, regular or special, shall be open to the public, unless otherwise ordered by the affirmative vote of a majority of all the members of the council. It shall keep a record of all its proceedings and determine its rules of procedures not herein set forth. A majority of all the members of the council shall constitute a *quorum* for the transaction of business, but a smaller number may adjourn from day to day and may compel the immediate attendance of any member who is absent without good cause by issuing to the police of the city an order for his arrest and attendance at the session under such penalties as shall have been previously prescribed by ordinance. The affirmative vote of a majority of all the members shall be necessary for the passage of any ordinance, or of any resolution or motion directing the payment of money or creating liability, but other measures shall prevail upon the majority votes of the members present at any session duly called and held. The *ayes* and *nays* shall be taken and recorded upon the passage of all ordinances, upon all resolutions or motions directing the payment of money or creating liability, and, at the request of any member, upon any other resolution or motion. Each approved ordinance, resolution or motion shall be sealed with the seal of the city council, and recorded in a book kept for the purpose and shall, on the day following its passage, be posted by the

secretary at the main entrance of the city hall and in at least two other public places, and shall take effect and be in force on and after the tenth day following its passage unless otherwise stated in said ordinance resolution or motion, or vetoed by the mayor as hereinafter provided. A vetoed ordinance, if repassed, shall take effect ten days after the veto is overridden by the required votes unless otherwise stated in the ordinance, resolution or motion.

Each ordinance and each resolution or motion directing the payment of money or creating liability, enacted or adopted by the council, shall be forwarded to the mayor for his approval. Within ten days after the receipt of the ordinance, resolution or motion, the mayor shall return it with his approval or veto. If he does not return it within that time, it shall be deemed to be approved. If he returns it with his veto, his reasons therefor in writing shall accompany it. It may then again be enacted by a two-thirds vote of all the members of the council.

The Mayor shall have the power to veto any particular item or items of an appropriation ordinance, or of any ordinance, resolution or motion directing the payment of money or creating liability, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to ordinances, resolution or motions returned to the council with his veto; but should an item or items in an appropriation ordinance be disapproved by the Mayor the corresponding item or items in the appropriation ordinance of the previous year shall be deemed reenacted.

SEC. 15. *General powers and duties of the Council.*—Except as otherwise provided by law, and subject to the conditions and limitations thereof, the City Council shall have the following legislative powers:

- a. To provide for the levy and collection of taxes for general and specific purposes in accordance with law, including specially the power to levy real property tax not to exceed one and one-half *per centum ad valorem*: *Provided*, That the said maximum rate of one and one-half *per centum* shall not be imposed during the first five years of the effectivity of this Act;
- b. To fix with the approval of the department head of the National Government the number and salaries of officials and employees of the city not otherwise provided for in this Act;
- c. To make all appropriations for the expenses for the government of the city;
- d. To authorize the free distribution of medicine to the employees and laborers of the city whose salary or wage do not exceed one hundred and twenty pesos per month or four pesos per day, and of evaporated or fresh native milk to indigent mothers residing in the city and of bread and light meals to indigent children ten years or less of age residing in the city, the distribution to be made under the direct supervision and control of the Mayor;
- e. To fix the tariff of fees and charges for all services rendered by the city or any of its departments, branches or officials;
- f. To provide for the erection and maintenance or the rental, in case of need, of the necessary buildings for the use of the city;
- g. To provide for the establishment and maintenance of public schools; and, except as otherwise provided by law, to fix, with the approval of the Director of Public Schools, reasonable matriculation and/or tuition fees for intermediate and secondary instruction therein and to acquire sites for schoolhouse for primary and intermediate classes through purchase or conditional or absolute donation;
- h. To establish and maintain or aid in the establishment and maintenance of vocational schools and institutions of higher learning conducted by the National Government or any of its subdivisions or agencies; and, with the approval of the Director of Public Schools, to fix reasonable tuition fees for instruction in the vocational schools and in the institutions of higher learning supported by the city;
- i. To maintain the city court established by law which shall have jurisdiction over all criminal cases under the ordinances of the city, and such further jurisdiction as may be herein or hereafter conferred;
- j. To provide for and maintain an efficient police force for the maintenance of law and order in the city, and make all necessary police ordinances, with a view to the confinement and reformation of vagrants, disorderly persons, mendicants, prostitutes and persons convicted of violating any of the ordinances of the city;
- k. To provide for and maintain a city fire department and to establish and maintain engine houses, fire engines, hose trucks, hooks and ladders, and other equipment for the prevention and extinguishment of fires, and to regulate the management and use of the same;
- l. To establish fire zones, determine the kinds of buildings or structures that may be erected within their limits, regulate the manner of constructing and repairing the same, and fix the fees for permits for the construction, repair, or demolition of buildings and other structures;
- m. To regulate the use of lights in stables, shops, and other buildings and places and to regulate and restrict the issuance of permits for the building of bonfires and rockets, and other pyrotechnic displays, and to fix the fees for such permits;
- n. To make regulations to protect the public from conflagrations and to prevent and mitigate the effects of famine, floods, storms and other public calamities, and provide relief for victims thereof;

- o. To tax, regulate and fix the amount of license fees for the following: hawkers, peddlers, hucksters or peddlers, barbers, collecting agencies, manicurists, hair dressers, tattooers, jugglers, acrobats, wrestlers and boxers; shooting galleries, slot machines, merry-go-rounds and other similar riding devices, and the keeping, preparation, and sale of meat, poultry, fish, game, butter, cheese, lard, vegetable, bread, and other provisions; and to impose a municipal occupation tax, not to exceed fifty pesos per annum, on lawyers, physicians, dentists, architects, civil, electrical, mechanical, chemical or mining engineers, radio engineers or technicians, certified public accountants, opticians and optometrists, veterinarians, land surveyors, insurance agents and sub-agents, business agents and business consultants, professional appraisers or connoisseurs of tobacco or other domestic or foreign products, music teachers, piano tuners, nurses and midwives, auctioners, plumbers, electrical contractors, building contractors, massagists, physical culture instructors, chiropodists, money changers, real estate, commercial and other brokers, and persons engaged in the transportation of passengers or freight by hire, including common carriers and transportation contractors: *Provided*, That persons exercising their profession or occupation only as salaried employees and not as independent practitioners shall be exempt from the municipal occupation tax herein prescribed;
- p. To tax, fix the license fee and regulate the business of hotels, restaurants, refreshment places, cafes, lodging houses, brewers, distillers, rectifiers, laundries, dyeing and cleaning establishments, beauty parlors, physical or beauty culture and fashion schools, clubs, livery garages, public warehouses, pawnshops, theaters, cinematographs, and the letting or subletting of lands and buildings whether used for commercial, industrial or residential purposes; and further to fix the location of, and to tax, fix the license fee on, and regulate the business of livery stables, boarding stables, embalmers, public billiard tables, public pool tables, bowling alleys, dance halls, public dancing halls, cabarets, night clubs, circuses and other similar parades, public vehicles, public ferries, cockpits, dealers in second hand materials or merchandise, junk dealers, theatrical performances, boxing contests, public exhibitions, blacksmith shops, foundries, steam boilers, lumber yards, shipyards, the storage and sale of gunpowder, tar, pitch, resin, coal, oil, gasoline, benzine, turpentine, hemp cotton, nitroglycerin, petroleum or any of the products thereof and of all other highly combustible or explosive materials, and other establishments likely to endanger the public safety or give rise to conflagrations or explosions, and subject to the provisions of law, tanneries, renderies, tallow chandleries, bone factories, soap factories: *Provided*, That no license shall be granted to any theater or cinematograph unless the applicant for said license agrees to exhibit pictures made in the Philippines to the extent of five *per centum* of their annual exhibitions: *Provided, finally*, That any violation of this condition shall cause the revocation of said license;
- q. To tax and fix the license fees on pictures or bookbinders or both, manufactures of rope, paper, leather goods, including shoes, slippers, sandals, harnesses and valises or bags, sporting goods, rubber goods, plastics and celluloid products, hardware, including glasswares, cooking utensils, electrical goods, and construction materials, chemical products, including drugs, perfumes, toilet articles, paints, dyes and inks, textiles, shell lamps or lamp shades or both, statuettes or tombstones or both, sacks, furniture of all kinds, including rattan goods, wire, brass beds or both, clothing, hats, eyeglasses or optical goods or both, fertilizers or buttons;
- r. To tax and fix the license fee on dealers in general merchandise, including importers and indentors, except those dealers who may be expressly subject to the payment of some other municipal tax under the provisions of this section;  
Dealers in general merchandise shall be classified as (a) wholesale dealers and (b) retail dealers. For purposes of the tax on retail dealers, general merchandise shall be classified into four main classes, namely: (1) luxury articles, (2) semi-luxury articles, (3) essential commodities, and (4) miscellaneous articles. A separate license shall be prescribed for each class but where commodities of different classes are sold in the same establishment, it shall not be compulsory for the owner to secure more than one license if he pays the higher or highest rate of tax pre-scribed by ordinance. Wholesale dealers shall pay the license tax as such, as may be provided by ordinance. For purposes of this section, the term "general merchandise" shall include poultry and livestock agricultural products, fish and other allied products;
- s. To tax, fix the license fee on and regulate the sale, trading in or disposal of alcoholic or malt beverages, wines, and mixed or fermented liquors, including *tuba*, *basi*, *tapuy*, *lambanog*, offered for retail sale;
- t. To impose a tax on all products or commodities manufactured or produced in the city and removed therefrom;
- u. To impose a sales tax of not exceeding one *per centum* of the gross value in money of all articles sold, bartered, exchanged or transferred within the city;
- v. To regulate the method of using steam engines and boilers, and all other motive powers other than marine, or belonging to the Government of the Philippines; to provide for the inspection thereof, and fix a reasonable fee for such inspection and to regulate and fix the fees for the licenses of the engineers engaged in operating the same;
- w. To provide for the prohibition and suppression of riots, affrays, disturbances, and disorderly assemblies; houses of ill-fame and other disorderly houses; gaming houses, gambling houses, gambling and all fraudulent devices for the purpose of obtaining money or property; prostitution, vagrancy, intoxication,