

**[ REPUBLIC ACT NO. 3811, June 22, 1963 ]**

**AN ACT CREATING THE CITY OF DAPITAN**

*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 Dapitan."

ARTICLE II.—*General Provisions*

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

SEC. 3. *Corporate character of the city.*—The City of Dapitan 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 the 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 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 employer 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 Dapitan 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 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 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 the City Vice-Mayor*

SEC. 7. *The City Mayor.*—The City 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 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 his salary, to a non-commutable allowance of not exceeding two thousand four hundred pesos *per annum*. No person shall be eligible for election as City Mayor, unless he is not less than thirty years of age, a resident of the city or that of the former Municipality of Dapitan for at least two years prior to his election, and a qualified voter therein.

SEC. 8. *The City Vice-Mayor.*—There shall be a City 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 City Vice-Mayor is temporarily incapacitated for the performance of the duties of the City Mayor, or said office of the City 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 City 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 prescribe 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 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 executive officers and employees of the city properly discharge their respective duties. The City Mayor may, in the interest of the service and with the approval of the Department Head 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 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 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 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 of 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. (o) To perform such other duties and exercise such other executive powers as may be prescribed by law or ordinances.

SEC. 10. *Secretary to the City Mayor.*—The City Mayor shall appoint one secretary who shall hold office at the pleasure of the City 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 City 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 City 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 City 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 City 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 or 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 City 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 matters.

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 shall 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 Dapitan," 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 City 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 procedure 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 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 City 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