

[REPUBLIC ACT NO. 3413, June 18, 1961]

AN ACT TO AMEND THE CHARTER OF THE CITY OF SAN CARLOS

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

SECTION 1. Republic Act Numbered Twenty-six hundred forty-three, otherwise known as the Charter of San Carlos, is hereby amended by inserting between Section six and seven thereof a new section to be known as Section six-A which shall read as follows:

"SEC 6-A. *Salaries of City Officers.*—Unless otherwise provided in this Act, the mayor, vice-mayor, members of the municipal board, secretary of the board, city attorney, city engineer, city health officer, chief of police, municipal judge and city auditor shall receive compensation or additional compensation in accordance with the provisions of existing laws."

SEC. 2. The first paragraph of Section thirteen of the same Act is amended to read as follows:

"SEC. 13. *Appointment and duties of secretary of the board.*—The board shall have a secretary who shall be appointed by the mayor with the consent of the majority members of the board and who shall serve during the term of office of the members thereof. A vacancy in the office of the secretary shall be filled temporary for the unexpired term in like manner."

SEC. 3. Section fifteen of the same Act is amended by adding thereto the following subsections:

"(nn) To exercise the right of eminent domain for certain purposes specified by law subject to the approval of the President of the Philippines;

"(oo) To request, through the city mayor, for the appearance of any official, department head and employee of the city government at any of its regular meetings for the purpose of enlightening the board on vital

matters affecting the city government; and

"(pp) To grant local franchise subject to the approval of the President of the Philippines."

SEC. 4. Sections seventeen, twenty-three, twenty-four, twenty-six, twenty-seven, twenty-eight, seventy-seven, and eighty-eight of the same Act are amended to read as follows:

"SEC. 17. *City departments.*—There shall be a finance department, an engineering department, a law department, a health department, a police and fire department, and an assessment department. Unless otherwise provided by law, the mayor shall have general supervisory control over all the city departments.

"The municipal board may from time to time make such readjustment of the duties of the several departments as the public interest may demand, and, with the approval of the President, may consolidate or separate any department, division, or office of the city with or from any other department, division or office.

"SEC. 23. *The City Attorney and Register of Deeds ex-officio—His powers and duties.*—The city attorney who shall discharge his duties under the general supervision of the Secretary of Justice shall be the chief legal adviser of the city. He shall act as city register of deeds *ex-officio* with an additional compensation of six hundred pesos *per annum*. He shall have the following powers and duties:

"(a) He shall personally or through his representatives represent the city in all civil cases wherein the city or any officer thereof, in his official capacity, is a party, and shall prosecute and defend all civil, actions related or connected with any city officer or interest; "(b) He shall, when directed by the mayor, institute and prosecute in the city's interest all suits on any bond, lease, or other contract and upon any breach or violation thereof;

"(c) He shall, when requested, attend meetings of the board, draw ordinances, contracts, bonds, leases, and other instruments involving any interest of the city and inspect and pass upon any such instrument already drawn;

"(d) He shall give his opinion in writing, when requested by the mayor or the board or any of the heads of the city departments, upon any question relating to the city or the rights or duties of any city officer thereof;

"(e) He shall, whenever it is brought to his knowledge that any city officer or employee is guilty of neglect or misconduct in office, or that any person, firm, or corporation holding or exercising any franchise or public privilege from the city, has failed to comply with any conditions or to pay any consideration mentioned in the grant of such franchise or privilege, investigate or cause to be investigated the same and report to the mayor;

"(f) He shall investigate all charges of crimes, misdemeanors and

violations of laws and city ordinances and prepare the necessary information or make the necessary complaints against the persons accused. He may conduct such investigations by taking oral evidence of reputed witnesses and for this purpose may, by *subpoena* or *subpoena duces tecum*, summon witnesses to appear and testify under oath before him, or to produce documents and other evidence before him, and the attendance of, or the production of documents and other evidence by an absent or recalcitrant witness may be enforced by application to the municipal court or the court of first instance;

"(g) He shall have charge of the prosecution of all crimes, misdemeanors and violations of laws and city ordinances triable in the Court of First Instance of Negros Occidental and the municipal court of the city, and shall discharge all the duties in respect to criminal prosecution enjoined by law upon provincial fiscals;

"(h) He shall cause to be investigated the causes of sudden deaths which have not been satisfactorily explained and when there is suspicion that the cause arose from unlawful acts or omissions of other persons or from foul play. For that purpose he may cause autopsies to be made in case it is deemed necessary and shall be entitled to demand and receive for the purpose of such investigations or autopsies the aid of the health officer;

"(i) He shall at all times render such professional services as the mayor or board may require, and shall have such powers and perform such duties as may be prescribed by law or ordinance; and

"(j) He shall perform the duties prescribed by law for registers of deeds.

"SEC. 24. *The City Engineer—His powers and duties.*— There shall be a city engineer, who shall be in charge of the department of engineering and public works and shall have the following powers and duties:

"(a) He shall have charge of all the surveying and engineering work of the city, and shall perform such service in connection with public improvements, or any work entered upon or proposed by the city, or any department thereof, as may require the skill and experience of a civil engineer;

"(b) He shall ascertain, record, and establish monuments of the city survey and from thence extend the survey of the city, and locate, establish and survey all city property and also private property abutting on the same, whenever directed by the mayor;

"(c) He shall prepare and submit plans, map, specifications and estimates for buildings, streets, bridges, docks, and other public works and supervise the construction and repair of the same;

"(d) He shall make such tests and inspections of engineering materials used in construction and repair as may be necessary to protect the city from the use of materials of a poor or dangerous quality;

"(e) He shall have the care of all public buildings, including markets and slaughterhouses and all buildings rented for city purposes, and of any system now or hereafter established by the city for lighting the streets, public places or public buildings;

"(f) He shall have the care of all public streets, parks and bridges, and shall maintain, clean, sprinkle and regulate the use of the same for all purposes as provided by ordinance;

"(g) He shall have the care and custody of all public docks, wharves,