

[REPUBLIC ACT NO. 3279, June 17, 1961]

AN ACT TO REVISE THE CHARTER OF THE CITY OF CALBAYOG

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 Revised. Charter of the City of Calbayog.

ARTICLE 1.—*General Provisions*

SEC. 2. *Territory of the City of Calbayog.*—The City of Calbayog which is hereby created, shall comprise the present territorial jurisdiction of the municipalities of Calbayog, Oquendo and Tinambacan, in the Province of Samar.

SEC. 3. *Corporate character of the City.*—The City of Calbayog 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 and defend to final judgment and execution, and exercise all powers hereafter conferred.

SEC. 5. *Liability for damages.*—The city shall not be liable or held for damages or injuries to person or property arising from the failure of the Mayor, the Municipal Board 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 Mayor, Municipal Board 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 Calbayog for police purposes shall be coextensive with its territorial jurisdiction, and for the purpose of protecting and insuring 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.

ARTICLE II.—*The Mayor*

SEC. 7. *The Mayor.*—The Mayor shall be the chief executive of the city. He shall be elected at large by qualified voters of the city during every election for provincial and municipal officials in accordance with the provisions of the Revised Election Code. No person shall be eligible for the position of mayor unless he is at least thirty years of age, a resident of the city for at least five years and a qualified voter therein.

He shall receive a salary of six thousand six hundred pesos *per annum*. The Municipal Board may appropriate such sums of money as may be necessary for the house allowance of the Mayor, not to exceed two thousand four hundred pesos *per annum*.

SEC. 8. *The Vice-Mayor.*—There shall be a Vice-Mayor who shall perform the duties and exercise the power of the Mayor, in the event of the death, sickness, absence or other temporary incapacity of the Mayor, or in the event of a definite vacancy in the position of Mayor, until said office shall be filled, in accordance with law. The Vice-Mayor shall be elected in the same manner as the Mayor and shall at the time of his election possess the same qualifications as the Mayor.

If, for any reason, the Vice-Mayor is temporarily incapacitated for the performance of the duties of the office of the Mayor, or said office of the Vice-Mayor is vacant, the duties and powers of the Mayor shall be performed and exercised by a member of the Municipal Board who shall be chosen by a majority of all members thereof. Whenever the Vice-Mayor performs the duties and exercises the powers of the Mayor, he automatically ceases to be the presiding officer of the Municipal Board. Where a member of the Municipal Board exercises the functions of the Vice-Mayor, said member ceases temporarily to take part in the deliberations of the Board except to preside. Where the offices of the City Mayor and the Vice-Mayor are left vacant by virtue of the death or permanent disability of the incumbents, vacancies shall be filled by appointments by the President of the Philippines with the consent of the Commission on Appointments.

The Vice-Mayor shall perform such other duties as may be assigned to him by the Mayor or prescribed by law or ordinance. He shall receive a salary of from three thousand four hundred to three thousand eight hundred pesos per annum.

SEC. 9. *General powers and duties of the Mayor.*—The Mayor shall have immediate control over the executive and administrative functions of the different departments of the city, subject to the supervision of the President of the Philippines. 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 property and rights of the city, and subject to the provisions of this Charter, have control and administration of all property owned and operated by the city;
- (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 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 other wise 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 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 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 attend, if he wishes to do so, either in person or by a duly authorized representative, the session of the Municipal Board and participate in its discussion but not to vote;

(i) 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 and ordinances;

(j) To submit to the Municipal Board at least two and a half months before the beginning of the ensuing fiscal year a budget of receipts and expenditures of the city;

(k) 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;

(l) 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 licenses or in the premises in which the business for which the same was granted is carried on, or for any other good reason of general interest;

(m) To exempt, after consultation with the City Superintendent of Schools, deserving poor pupils from the payment of school fees or any part thereof;

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

(o) To submit an annual report to the President of the Philippines; and

(p) To perform such other duties and exercise other 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 exceeding four thousand pesos *per annum*.

The Secretary shall have charge and custody of all records and documents of the city and of any office or departments 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 including the certificates, such fees to be paid directly to the city treasurer; and shall perform such other duties as the Mayor may require of him.

ARTICLE III.—*The Municipal Board*

SEC. 11. *Constitution and organization of the Municipal Board.*—The Municipal Board shall be the legislative body of the city, and shall be composed of the Vice-Mayor, who shall be its presiding officer, and ten councilors who shall be elected at large by the qualified voters of the city. The Vice-Mayor shall have no right to vote except in case of tie.

If the Vice-Mayor or a member of the Municipal Board 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 Municipal Board shall receive a salary of not more than three thousand six hundred pesos *per annum*.

SEC. 12. *Qualifications, election, suspension and removal of members.*—The members of the Municipal Board shall, at the time of their election, be qualified electors of the city, residents thereof for at least two years immediately prior to their election 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, and the provisions of law governing the suspension or removal of elective provincial officers are hereby made applicable in the suspension or removal of said members.

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 for four years and until their successors shall have been duly elected and qualified.

The ten candidates receiving the greatest number of votes shall be declared elected.

A vacancy in the Municipal Board shall be filled in accordance with the provisions of the Election Code.

SEC. 13. *Secretary of the Board.*—The Board shall have a secretary, who shall

be elected by it to serve during the term of office of the members. A vacancy in the office of secretary shall be filled temporary for the unexpired term in like manner.

The secretary shall be in charge of the records of the Municipal Board. He shall keep a full 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 Calbayog, 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; 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 thereafter 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 nature open to public inspection during usual business hours. The compensation of the secretary of the Board shall be fixed by ordinance approved by the President of the Philippines, at not exceeding four thousand pesos *per annum*.

SEC. 14. *Method of transacting business by the Board—Veto—Authentication and publication of ordinances.*—The Board shall hold two ordinary sessions for the transaction of business during each week on a day which it shall fix by resolution, and such extraordinary sessions, not exceeding thirty during any one year, as may be called by the Mayor. It shall sit with open doors, unless otherwise ordered by an affirmative vote of seven members. It shall keep a record of its proceedings and determine its rules or procedure not herein set forth. Seven members of the Board 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 absent without good cause by issuing to the police of the city an order for his arrest and production at the session under such penalties as shall have been previously prescribed by ordinance. Seven affirmative votes 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 meeting 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 Board, signed by the presiding officer and the secretary of the Board and recorded in a book kept for that purpose and shall, on the day following its passage, be posted by the secretary at the main entrance of the city hall, 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 vote unless otherwise stated in the ordinance or again disapproved by the Mayor within said time.

Each ordinance and each resolution or motion directing the payment of money or creating liability enacted or adopted by the Board shall be forwarded to the Mayor for his approval. Within ten days after the receipt of the ordinance, resolution or