

**[ REPUBLIC ACT NO. 3028, June 07, 1961 ]**

**AN ACT CREATING DANAOS CITY**

*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 Charter of Danao City.

ARTICLE I.—*The City as a Public Corporation*

SEC. 2. *Territory of Danao City.*—The Danao City which is hereby created shall comprise the present territorial jurisdiction of the Poblacion and the following barrios of Baliang, Binalew, Cabungahan, Cahumayhumayan, Cambanay, Dumga, Cogon-Cruz, Dunggoan, Guinacot, Guinsay, Ibo Lamac, Lawa-an Langosig, Licos, Looc, Magtagobto, Masaba, Maslog, Malapoc, Manlayag, Manteja, Nangka, Ogis, Pili (proper, Anislagan, Catulero), Quisol, Sabang, Sacsac, Sandayong Norte, Sandayong Sur, Santa Rosa, Santikan, Sibacan, Suba, Tabok, Togonon, Taytay, Tuburan Sur, Danasan, Bayabas, Cambubho, and all other barrios of the Municipality of Danao, Province of Cebu.

SEC. 3. *Corporate charter.*—The Danao City 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. *General powers.*—The city shall have a common seal, and may alter the same at pleasure, and 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, and 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. *Liability for damages.*—The city shall not be liable or held for damages or injuries to persons 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 Danao City for police purposes only 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 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 with 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 II.—*The Mayor and the Vice-Mayor*

SEC. 7. *The Mayor.*—The Mayor shall be the chief executive of the city. He shall be elected at large by the qualified voters of the city. No person shall be eligible for the position of Mayor unless at the time of the election he is at least twenty-five years of age, a resident of the city for at least ten years prior to his election, and a qualified voter therein. He shall hold office for four years, unless sooner removed, and shall receive a salary of six thousand pesos *per annum*. The Municipal Board may appropriate such sum of money as may be necessary for the house allowance of the Mayor, not to exceed two hundred pesos monthly, or commute the same in addition to his salary.

SEC. 8. *The Vice-Mayor.*—There shall be elected a Vice-Mayor who shall perform the duties and exercise the powers 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 the 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. When 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 three thousand 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 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 or 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 Court 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 discussions, 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 has been 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 schools fees or of 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 perform such other duties and exercise such other powers as may be prescribed by law or ordinance.

SEC. 10. *Secretary to the Mayor.*—The Mayor shall appoint one secretary who shall have the rank of a department head and who 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 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 and shall perform such other duties as the Mayor may require of him; shall, upon request, furnish certified copies of all city records and documents in his charge which are not of a confidential nature, and collect and receive therefor such fees as may be prescribed by law or resolution of the Municipal Board. He shall also perform such duties as are required of the heads of departments of the city government by Section twenty-one hereof. The position of the secretary shall be regarded as within the unclassified civil service but may be filled in the manner in which classified positions are filled, and if so filled, the appointee shall be entitled to all the benefits and privileges of classified employees, except that he holds office only during the term of the appointing Mayor and until a successor in the office of the secretary is appointed and qualified, unless sooner separated. He shall receive a salary of four thousand eight hundred pesos *per annum*.

### 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 eight 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 a 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 matters.

The members of the Municipal Board shall receive a salary of one thousand eight hundred pesos each *per annum*.

SEC. 12. *Qualifications, election, suspension and removed 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 ten 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 officers, 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 eight 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 Revised Election Code.

SEC. 13. *Secretary of the Board.*—The Board 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 exceeding four thousand one hundred twenty pesos *per annum*. A vacancy in the office of the secretary shall be filled temporarily for the unexpired term 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—Danao City," 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 therefor 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.

SEC. 14. *Legislative procedure.*—The Board shall hold two ordinary sessions for the transaction of business during each week on days which it shall fix by resolution, and such extraordinary sessions, as may be called by the Mayor. It shall sit with open doors unless otherwise ordered by the affirmative vote of a majority of all the members. 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 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 who is 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. The affirmative votes 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