

[REPUBLIC ACT NO. 2643, June 18, 1960]

AN ACT CREATING THE CITY OF SAN CARLOS

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 San Carlos.

ARTICLE I.—*General Provisions*

SEC. 2. *Territory of the City of San Carlos.*—The City of San Carlos which is hereby created shall comprise the present territorial jurisdiction of the Municipality of San Carlos in the Province of Negros Occidental.

SEC. 3. *Corporate character of the City.*—The City of San Carlos shall constitute a political body corporate and shall be 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 interest 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 wherein said city is a party, and exercise all the powers hereinafter conferred.

SEC 5. *The city not liable for damage.*—The city shall not be liable or held liable for damages or injuries to persons or property arising from the failure of the municipal board, the mayor, or any other officer or employee, to enforce the provisions of this Charter, or any other law or ordinance, or from negligence of said municipal board, mayor or other city officers or employees while enforcing or attempting to enforce the provisions thereof: *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 San Carlos for police purposes shall be coextensive with its territorial jurisdiction, and for the purposes of protecting and insuring the purity of the water supply of the city, such police jurisdiction shall also extend over a territory within the drainage area of such water supply or within one hundred meters of any reservoir, co canal, aqueduct or pumping station used in connection the city water service. The municipal court shall

concurrent jurisdiction with the justice of the peace court of the respective municipalities, to try crimes and misdemeanors committed within said drainage areas, 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 zones areas and spaces. But any license that may be issued within said zones areas 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*

SEC. 7. *The Mayor*.—The mayor shall be elected at large by the qualified voters of the city. He shall be at least thirty years of age, a resident of the city at least five years prior to his election, and a qualified voter therein; *Provided*, That the first election for mayor shall be held at the general election for provincial and municipal officials next following the approval of this Act. He shall hold office for four years, unless sooner removed for just cause and with due process of law.

He shall receive a salary of not exceeding five thousand four hundred pesos *per annum*. With the approval of the President of the Philippines, the mayor may be provided, in addition to his salary, a non-commutable allowance of not exceeding two thousand pesos *per annum*.

SEC. 8. *The Vice-Mayor*.—There shall be a vice-mayor who shall perform the duties of the mayor, in the event of the sickness, absence, or other temporary incapacity of the mayor, or in the event of a definite vacancy in the position mayor, until said office is filled in accordance with law. The vice-mayor shall also preside over the meetings of the Municipal board, but he shall have no right to vote except of tie. If, for any reason, the vice-mayor is temporarily incapacitated for the performance of the duties of the mayor, or said office of the vice-mayor is vacant, the duties of the mayor shall be performed by the city treasurer. The acting mayor shall have the same powers and duties as the mayor.

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 be elected in the same manner as the mayor and shall at the time of his election possess the same qualifications as the mayor. For services as acting mayor, the vice-mayor shall receive a total of the compensation equivalent to the salary of the mayor during such period.

SEC. 9. *General powers and duties of the Mayor*.—Unless otherwise provided by law, the 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 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 provisions of this Charter and other 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 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. 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 receive;
 - e. To see that the executive officers and employees of the city properly discharge their respective duties;
 - 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 twice a year, and whenever occasion arises. 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 represent the city in all its business matters and sign in its behalf all its bonds, contracts, and obligations made in accordance with law and ordinance;
 - i. To submit to the municipal board 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 cases 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 licenses 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 to mitigate the effects storms and other public calamities;
 - n. To submit an annual report to the President of the Philippines; and
 - 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 hold office at the pleasure of the mayor and who shall receive a compensation, to be fixed by ordinance approved by the President of the Philippines, at not exceeding three thousand three 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, 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 III.—*The Municipal Board.*

SEC. 11. *Constitution and organization of the municipal board—Compensation of members thereof.*—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 popular vote during every election for provincial and municipal officials in conformity with the provisions of the Revised Election Code. The said presiding officer shall vote only in case of tie. In case of sickness, absence, suspension or other temporary disability of any member of the board, or if necessary to maintain a *quorum*, the President of the Philippines may appoint a temporary substitute belonging to the same political party, who shall possess all the rights and perform all the duties of a member of the Board until the return to duty of the regular incumbent

If any member of the municipal board should be a candidate for office in any election, he shall be disqualified to act with the board in the discharge of the duties conferred upon it relative to election matters, and in such case, the other members of the board shall discharge said duties without his assistance, or they may choose a disinterested elector of the city to act with the board in such matters in his stead.

The members of the municipal board shall receive a *per diem* in such amount as may be fixed by ordinance but in no case to exceed twenty pesos for each day of attendance of the sessions of the board: *Provided, however,* That the presiding officer shall receive a compensation of ten pesos in addition to his per diem.

SEC. 12. *Qualifications, suspensions and removal of members of the board.*—The members of the municipal board shall, at the time of their election, be qualified electors of the city, residents therein for at least two years immediately prior to their election, and not less than twenty-three years of age. 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 eight candidates receiving the greatest number of votes shall be declared elected.

The members of the municipal board 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 providing for the suspension or removal of elective provincial officers are hereby made effective for the suspension or removal of said members of the board.

Vacancies in the municipal board shall be filled in accordance with the provisions of the Revised Election Code.

SEC. 13. *Appointment, salary 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 office of the members thereof. The compensation of the secretary shall be fixed by ordinance, approved by the President of the Philippines, at not exceeding one thousand nine hundred twenty 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 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 San Carlos," 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 of the board; shall cause each ordinance to be published as herein provided; shall, upon request, furnish copies of all records of public character in his charge under the seal of his office and charge twenty centavos for each one hundred words, including the certificate, the fees to be paid directly to the city treasurer; and shall keep his office and all records therein which are not of a confidential character open to public inspection during usual business hours.

SEC. 14. *Method of transacting business by the board— Veto; authentication and publication of ordinances.*—Unless the President of the Philippines orders otherwise, the board shall hold one ordinary session for the transaction of business during each week on a day which shall be fixed by resolution, and such extraordinary sessions, not exceeding thirty days 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 five members. It shall keep a record of its proceedings and determine its rule of procedure not herein set forth. Five 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 ordinances. Five 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 any other measure 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 the 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