

[REPUBLIC ACT NO. 1852, June 22, 1957]

**AN ACT AMENDING AND REPEALING CERTAIN SECTIONS OF
REPUBLIC ACT NUMBERED THREE HUNDRED TWENTY-SEVEN,
OTHERWISE KNOWN AS THE CHARTER OF THE CITY OF
DUMAGUETE.**

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

SECTION 1. Section five of Republic Act Numbered Three hundred twenty-seven, otherwise known as the Charter of the City of Dumaguete, is amended to read as follows:

"SEC. 5. *The 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 Municipal Board, the Mayor or any other city officer or employee, to enforce the provisions of the 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."

SEC. 2. The second paragraph of section seven of the same Act is amended to read as follows:

"He shall receive the salary provided for in Republic Act Numbered Eight hundred forty, and a non-commutable allowance of not exceeding five thousand pesos *per annum*."

SEC. 3. Section eleven of the same Act is amended to read as follows:

"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 Vice-Mayor shall have no right to vote except in case of a tie. In case of sickness, absence, or other temporary incapacity of the Vice-Mayor, or when he acts as Mayor, the Board shall designate one of its members to sit as temporary presiding officer, With out additional compensation. In case of sickness, absence, suspension or 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 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 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 the Mayor may choose some disinterested elector of the city to act with the Board in such matters in his stead.

"The members of the Municipal Board shall receive twenty-five pesos for each day of attendance of the session of the Board."

SEC. 4. The first paragraph of section thirteen of the same Act is amended to read as follows:

"SEC. 13. *Appointment, salary, and duties of Secretary of Board.*—The Board shall have a secretary who shall be appointed by the Mayor with the consent of the Board to serve during the term of office of the members thereof. The secretary shall receive the salary provided for in Republic Act Numbered Eight hundred forty. In case of disagreement between the Board and the Mayor, the Executive Secretary shall decide and his decision shall be final. A vacancy in the office of the secretary may be filled temporarily by the Mayor."

SEC. 5. Section fourteen of the same Act is amended to read as follows:

"SEC. 14. *Method of transacting business by the Board.—Veto—Authentication and publication of ordinances.*—Board shall hold one ordinary session for the transact 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 five members. It shall keep a record of its proceedings and determine its rules 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 ordinance. 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 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 for the purpose and shall, on the day following its passage, be posted by the secretary at the main entrance to 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 votes unless

otherwise stated in the ordinance.

"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 motion, the Mayor shall return it with his approval or veto. If he does not return it within that time, it shall be deemed to be approved he returns it with his veto, his reasons therefor in writ shall accompany it, otherwise, the veto shall be null and void and the ordinance, resolution or motion considered as approved. If after it is validly vetoed, it is again enacted by the affirmative votes of six members of the Board, it shall be deemed approved. The Mayor shall have the power to veto any particular item or items of an appropriation ordinance, or of an ordinance, resolution or motion directing the payment of money or creating liability, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to ordinances, resolutions, and motions returned to the Board with his veto, but should an item or items in an appropriation ordinance be disapproved by the Mayor, the corresponding item or items in the appropriation ordinance of the previous year shall be deemed restored unless otherwise expressly directed in the veto."

SEC. 6. Subsection (y) section fifteen of the same Act, is amended to read as follows:

"(y) Subject to the provisions of subsection (f) of section one thousand nine hundred one of the Administrative Code, to provide for the laying out, construction, and improvement, and to regulate the use, of streets, avenues, alleys, sidewalks, wharves, piers, parks, cemeteries, and other public places; to provide for lighting, cleaning, and sprinkling of streets and public places; to regulate, fix license fees for, and prohibit the use of the same for processions, signs, signposts, awnings, awning posts, the carrying or displaying of banners, placards, advertisements, or handbills or the flying of signs, flags, or banners, whether along, across, over or from buildings, along the same; to prohibit the placing, throwing, depositing, or leaving of obstacles of any kind, offal, garbage, refuse or other offensive matter or matters liable to cause damage, in the streets and other public places, and to provide for the collection and position thereof; to provide for the inspection of, fix the license fees for, and regulate the openings in the same for the laying of gas, water, sewer, and other pipes, the buildings and repair of tunnels, sewer, and drains, and all structures in and under the same, and the erecting of poles and the stringing of wires therein; to provide for and regulate cross-walks, curbs, and gutters therein; to name streets without a name and provide for regulate the numbering of houses and lots fronting thereon or in the interior of the blocks; to regulate traffic and sales upon the streets and other public places; to provide for the abatement of nuisances in the same and punish the authors or owners thereof; to provide for the construction and maintenance, and regulate the use of bridges, viaducts, and culverts; to prohibit or regulate ball playing, kite flying, hoop rolling, and other amusements which may annoy persons using the streets and