

[REPUBLIC ACT NO. 288, June 16, 1948]

AN ACT CREATING THE CITY OF BASILAN

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

ARTICLE I.—General Provisions

SECTION 1. *Creating of City.*—The territory consisting of the whole island of Basilan and adjacent islands, in which are comprised the former municipality of Isabela and the municipal districts of Lamitan and Maluso, is segregated from the City of Zamboanga and organized as city which shall be known as the City of Basilan.

SEC. 2. *Corporate character.*—Said city constitutes a political body corporate 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 Act.

SEC. 3. *Seal and general powers.*—Said city shall have a 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, enter into contracts, sue and be sued, prosecute and defend to final judgment and execution, and exercise all the powers hereinafter conferred.

SEC. 4. *The city is not liable for damages.*—The city shall not be liable for damages or injuries to persons or property arising from the failure of the mayor, city councilor or other city officer, to enforce the provisions of this Act or any other law or ordinance or from the negligence said mayor, city council or any other city officer while enforcing or attempting to enforce said provisions.

SEC. 5. *Police jurisdiction of the city.*— The jurisdiction of said city exclusively for police purposes shall extend three miles from the shore into the sea.

ARTICLE II.— The Mayor

SEC. 6. *Appointment and compensation.*—The City of Basilan shall have a mayor who shall be its chief executive and who shall reside therein. He shall be appointed by the President of the Philippines, with the consent of the Commission on Appointments, and shall hold office at the pleasure of the President.

The mayor shall receive a salary of not to exceed four thousand pesos *per annum*, the amount to be fixed by the council on the basis of the income of the city.

SEC. 7. *The acting mayor.*—In the event of inability or absence of the mayor, or in the event of a definite vacancy in the position, the engineer of the city shall

temporarily perform the duties of the mayor until the position is filled in accordance with law. In the event of inability of the city engineer to perform the duties of the mayor, the President shall appoint one for the position. The acting mayor shall have the same powers and duties as the mayor and if the person appointed is not an officer of the Government, he shall receive the same compensation.

SEC. 8. *General powers and special duties of the mayor.*—As the chief executive of the city, the mayor shall have immediate control of the executive and administrative functions of the different departments, subject to the supervision of the Secretary of the Interior, and shall be responsible for the proper administration of the affairs of the city. He shall have the following powers and duties:

- a. To comply with, 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 have control of all its property;
- c. To see that all taxes and other revenues of the city are collected and the city funds applied in accordance with appropriations to the payment of city expenses;
- d. To cause to be instituted judicial proceedings to recover property and funds of the city wherever found;
- e. To cause to be defended all suits against the city, and otherwise to protect the interests of the same;
- f. To see that the officials and employees of the city properly discharge their respective duties;
- g. To examine and inspect the books, records, and documents in charge or under the custody of the officers, agents, and employees of the city whenever occasion arises, at least once a year. For this purpose, the city council shall provide him with the needed office personnel or assistance that may be necessary;
- h. To give such information and recommend such measures to the council as he shall deem advantageous to the inhabitants of the city;
- 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 or ordinance;
- j. To submit to the city council before the thirtieth day of April of each year a budget of receipts and expenditures of the city government;
- 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 city licenses or permits of all classes and to revoke same, in conformity with the provisions of law or ordinance, for violation of the conditions upon which they were granted, or if acts punished by law or city ordinance are being committed under the protection of such licenses or in the premises in which the business for which the same had been granted is carried on, or for other good reason of general interest;
- m. To determine according to law or ordinance the and place of payment of the salaries and wages of the officers and employees of

- the city;
- n. To exempt, with the concurrence of the division superintendent of schools, deserving poor pupils from the payment of school fees or any part thereof;
 - o. To make all appointments, except as otherwise provided in this Act;
 - p. To take such emergency measures as may be deemed necessary to avoid fires, floods, and the effect of storms and other public calamities;
 - q. To render an annual report to the Secretary of the Interior;
 - r. To exercise the power of veto, but any vetoed ordinance or resolution except those appropriating funds, may be reposed by a two-third vote of all the members of the council;
 - s. To veto separate items of the general appropriation ordinance and others appropriating funds, which veto shall be appealable to the Secretary of the Interior;
 - t. To appoint, at the recommendation of the respective council member, a barrio lieutenant and his substitute in each one of the barrios within the jurisdiction of the city;
 - u. To perform such other duties and exercise such other executive powers as are prescribed by law or ordinance.

SEC. 9. *Secretary to the mayor.*— The mayor shall appoint one secretary, with the approval of the city council, who shall have the following duties:

- a. He shall act as chief clerk in the office of the mayor;
- b. He shall act as secretary, without additional compensation, of the Council, the board of tax appeals and such other boards or committees as may hereafter be created by law or ordinance, and shall keep a journal of their proceedings;
- c. He shall have the corporate seal of the city under his custody;
- d. He shall perform such other functions as the mayor or council may direct.

ARTICLE III.—The Council

SEC. 10. *Establishment and organization of the council.*— There shall be a council which shall be the legislative body of the City of Basilan. It shall be composed of six members, four of whom shall be elected at large by popular vote during every election held for provincial and municipal officers in conformity with the Revised Election Code, and two, appointed by the President of the Philippines for the same term of office as that of the elective members.

The members of the council shall elect from among their number a chairman who shall preside at all sessions of the council in which he is present and shall have the right to vote in all matters submitted to it. In his absence, the member designated by him shall preside at the sessions of the council as acting chairman. The Chairman of the council shall sign the ordinances, resolutions and motions directing the payment of money or creating liability. In case of absence or illness of any member of the council, or if, for any reason, it shall become necessary to have a *quorum*, the President of the Philippines shall appoint temporarily a substitute, who shall hold the office, have the rights, receive the compensation and emoluments and discharge all the duties of a member of the council until such absent or sick member returns to duty.

The members of the council shall each receive a *per diem* not to exceed ten pesos for each day of attendance at the sessions of the council, which *per diem* shall be fixed by the council with the approval of the Secretary of the Interior. Should the Secretary of the Interior disapprove the *per diem* fixed by the council, he shall fix a *per diem* which he may deem just or reasonable, but in no case it shall be less than five pesos: *Provided*, That the chairman of the council shall receive fifty *per cent* more than the *per diem* fixed for each member.

SEC. 11. *Method of transacting business by council.*—The council shall fix the time and place for its regular meetings, which shall be held once a week, and shall hold special meetings not exceeding ten during any one year when called by the mayor. Any meeting, regular or special, may, in case the amount of business shall require, be adjourned day to day until the business is completed.

Meetings shall be opened to the public, unless otherwise ordered by an affirmative vote of a majority of the members. The council shall keep a record of its proceedings and determine its rules of procedure not herein set forth. A majority of the council shall constitute a *quorum* for the transaction of business, but a smaller number may adjourn from time to time. 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 motion or resolution.

The affirmative vote of a majority of all the members of the council shall be necessary for the passage of any ordinance, or any resolution or motion directing the payment of money or creating liability, but other measures shall be passed by the majority vote of the members present at any meeting duly called and held.

Any ordinance enacted by the council and every resolution or motion directing the payment of money or creating a liability 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. If he returns it with his veto, his reasons therefor in writing shall accompany it. Then it may again be enacted by the affirmative vote of two-thirds of the members of the council.

Each approved ordinance shall be sealed with the seal of the city, signed by the mayor and the secretary of the council, and recorded in a book kept for that purpose. Regarding any ordinance which has been vetoed by the mayor and reapproved by the council, the date of the veto and the date of the reapproval shall be recorded in the book.

Every ordinance shall, on the day following its passage, be posted by the secretary at the main entrance of the city hall and other suitable public places in the city, and shall take effect and be in force on and after the tenth day following its passage unless otherwise stated in said ordinance or resolution or vetoed by the mayor before the expiration of said ten-day period. A vetoed ordinance, if repassed by the council, shall take effect ten days after the veto is overridden by a two-third vote of all the members of the council unless another date is fixed in such resolution or ordinance.

SEC. 12. *Duties of the secretary of the council.*— The secretary of the council shall take charge of the records of the council. He shall keep a complete record of the proceedings of the Council and file all the documents regarding the same, and shall record in a book kept for the purpose, all the ordinances and all the resolutions and motions directing the payment of money or creating liability, with the dates of their approval and the publication of the ordinances; shall keep a seal, circular in form, with the inscription: "Council of the City of Basilan," and shall affix the same with his signature to all ordinances and other official resolutions of the council and shall present the same to the chairman for his signature; shall furnish, upon request, certified copies of any record of public character which he may have under his custody, and shall collect and receive for the same the fees which the council may, by resolution, prescribe; and shall have his office and all records thereof, except those of confidential character, open to public inspection during ordinary office hours.

SEC. 13. *Appropriation by the council.*— The council shall make all the appropriations for the expenses of the local government, based on the budget submitted by the mayor on or before May thirty-one, of the current year. It shall fix the salaries of the city officers and employees, except those of public school teachers. Whenever the council fails to approve an appropriation ordinance for any fiscal year, the appropriation ordinance for the previous fiscal year, shall be considered reenacted, and shall take effect on the first day of July of the current year as appropriation ordinance until a new appropriation ordinance is duly enacted.

Any appropriation ordinance shall be subject to the approval of the Secretary of Finance, whose decision shall be final: *Provided*, That, if the Secretary of Finance shall fail to act on it before it takes effect, such ordinance shall be considered approved.

SEC. 14. *General powers and duties of the council.*—Except as otherwise provided by law, and subject to the conditions and limitations thereof, the council shall have the following legislative powers:

- (a) To levy and collect taxes for general and special purposes in accordance with law.
- (b) To fix the schedule of fees for services rendered by the city or any of its departments, branches or offices.
- (c) To provide for the erection, maintenance and rental of the necessary buildings for the use of the city
- (d) To provide for the establishment and maintenance of free public schools, at least, for intermediate instruction.
- (e) To establish or aid in the establishment and maintenance of vocational schools and institutions of higher learning conducted by the National Government or any of its subdivisions and branches, and with the approval of the Director of Public Schools, to fix reasonable tuition fees for instruction in the vocational schools.
- (f) To provide for the establishment and maintenance of a police force in the city and enact the necessary police ordinances, with a view to the confinement and reformation of vagrants, disorderly persons, mendicants, and persons convicted for the violation of any of the ordinances of the city.