

[Act No. 1963, August 09, 1909]

AN ACT TO INCORPORATE THE CITY OF BAGUIO AND FOR OTHER PURPOSES.

By authority of the United States, be it enacted by the Philippine Commission, that:

SECTION 1. *Incorporation; powers.*—All that part of the township of Baguio, subprovince of Benguet, contained within the boundaries described in the next succeeding section, and all the people inhabiting said district, shall be a municipality of the subprovince of Benguet by the name of the "city of Baguio;" and by that name shall have perpetual succession: have and use a common seal and alter the same at pleasure; sue and be sued, and prosecute and defend to final judgment and execution hold, lease, convey, and dispose of real and the benefit of the city, with in or without it tract and be contracted with : and execute at conferred.

SEC. 2. *Boundaries.*—The boundaries and limits of the territory of said city are hereby established and prescribed as follows:

Beginning at point marked "1," being a point on a large rock in the center of the Irisan River in the subprovince of Benguet, at the bridge site over said river on the Baguio-San Fernando Road, thence S. 19° 53' E., 7,332.9 m. to point 2. a tripod on a knoll of the Baguio-Santo Tomas ridge: S. 79° 14' E, 6,880.6 m. to point 3, a tripod on a small wooded mountain west of the Kias trail; N. 10° 42' E., 2,193.2 m. to point 4. a tripod on a wooded ridge; N. 7° 35' W., 3,920 m. to point 5; N. 1,478 m. to point 6; W. 973 m. to point 7, being Pakdal triangulation station; S. 83° 58' W., 3,022 m. to point 8, on a bridge over a small creek on the Baguio-Trinidad Road: N 58° 15' W., 1,364 m. to point 9, a tripod at the triangulation station known as "center;" N. 86° 1' W., 4,010.6 m. to the point of beginning.

SEC. 3. *Governor-General's supervision.*—The Governor-General shall have the city of Baguio under his executive control and supervision. He shall appoint or designate, by and with the consent of the Philippine Commission, the mayor, the vice-mayor, and the other members of the city council; he shall also appoint or designate, upon recommendation of the Secretary of the Interior, the city health officer and the members of the advisory council; upon recommendation of the Secretary of Commerce and Police, the city engineer and the chief of police, and upon recommendation of the Secretary of Finance and Justice, the city treasurer, the city assessor, the city attorney and the assistant city attorney; he shall have power to remove at pleasure any of the said appointive officers: *Provided*, That the Governor-General is authorized to appoint to any of the above-named offices persons who already hold official positions: *Provided further*, That any officer or employee in the public service who shall be appointed or designated to any authorized position in the government of the city of Baguio may, in the discretion of the appointing authority, receive all or any part of the salary appropriated for the position, present existing provisions of law in the contrary notwithstanding.

In case of sickness, absence, or inability to serve for any reason. of any of the aforementioned officials, the Governor-General may make a temporary appointment

or designation until the return to duty of such official. During the period of such temporary appointment or designation, the person receiving the same shall possess all the powers and perform all the duties pertaining thereto.

SEC. 4. *City officers and employees in general.*—All city officers city officers and and employees' shall be subject to the following provisions:

(a) City officers shall, before entering on the duties thereof, take and subscribe to the following oath, which shall be filed with the city secretary and he by him recorded:

"I, having been duly appointed of the city of Baguio, do hereby accept said office, and do solemnly swear (or affirm) that I recognize and accept the supreme authority of the United States of America in these Islands, and will maintain true faith and allegiance thereto; that I will obey all the laws, legal orders, and decrees promulgated by its duly constituted authorities; that I impose upon myself this obligation voluntarily without mental reservation or purpose of evasion; that I will well and faithfully discharge the duties of the office upon which I am about to enter, so help me Cod. (Last four words to be stricken out in ease of affirmation.)

.....
(Signature of officer.)

"Subscribed and sworn to (or affirmed) before me this day of 19.....

.....
(Signature of officer administering oath.)

This oath and all others required in connection with the administration of the city government, may be administered by any officer authorized to administer oaths, or by any city officer appointed under this charter, and no fee shall be charged therefor.

(b) Every city officer and employee charged with the custody of city funds or property shall, before entering upon the duties of his office, be bonded to the city in an amount to be prescribed by the Insular Auditor

(c) City officers and employees, other than members of the re-appointments and advisory council and officers appointed by the Governor-General, shall be appointed and removed in accordance with the provisions of the Civil Service Law and Rules.

(d) No city officer or employee shall be directly or indirectly interested in any contract work, any business transaction with the city whereby money is to be paid directly or indirectly out of the revenues of the city to such

person, any licensed games and amusements, any business of the municipality, or in the purchase of any real estate or any other property belonging to the city. Any officer or employee violating the provisions of this subsection shall, after hearing, be removed from office by the appointing officer, and upon trial and conviction in a court of competent jurisdiction, shall be punished by a fine of not more than one thousand pesos, or by imprisonment for not more than two years, or by both such fine and imprisonment, in the discretion of the court.

(e) Every retiring city officer shall deliver to his successor in office, who shall receipt for the same in duplicate, all property, books, and effects of every description in his possession, belonging to the city, or pertaining to his office. One copy of the receipt shall be delivered to the retiring officer and the other copy shall be filed with the city treasurer. In case of the death or removal of any city officer, the mayor shall at once take charge of the office, books, papers, property, and funds of the late incumbent, and if bonded forthwith notify the sureties on his official bond. Such sureties shall cause to be rendered to the Auditor the accounts-current of the deceased or removed officer, and deposit or cause to be deposited, as aforesaid, the moneys with which such officer was chargeable.

(f) The failure of any city officer to enforce the provisions of this charter or any law or ordinance, or the negligence of said officers while enforcing or attempting to enforce the same shall not cause the city to be held liable for damages or injuries to persons or property.

(g) Every city officer shall in addition to the powers and duties and duties. In this charter expressly imposed and granted have such further powers and perform such further duties as may be prescribed by law or ordinance.

SEC. 5. *The mayor.*—There shall be a mayor who shall be a member of the city council, and who shall have the following general powers and duties:

(a) He shall take care that the laws of the Philippine Islands, the provisions of this, charter, and the ordinances and resolutions of the city are duly observed and enforced within the jurisdiction of the city.

(b) He shall see that all other officers of the city faithfully discharge their respective duties, and to that end may, with the approval of the Governor-General, cause to be instituted any appropriate criminal action, or take proceedings to bring the attention of the proper superior officer to the derelictions of the city official.

(c) He shall give to the city council from time to time such information and recommend such measures as he shall deem advantageous to the city.

(d) He shall preside at all meetings of the city council; shall have the right to vote on all ordinances or other matters coming before the council; shall sign the secretary's record of the proceedings of each meeting of the council, at the same meeting at which same is approved

by the council; and shall sign all ordinances and resolutions.

(e) He shall have power to examine and inspect the books, records, and papers of all officers, agents, or employees of the city.

(f) He shall sign all warrants drawn on the city treasurer and all bonds, contracts, and obligations of the city.

(g) He shall appoint, in accordance with the Civil Service Law and Rules, the city secretary, all employees of the office of the mayor, and all heads and assistant heads of departments which may be provided for by law or ordinance, and, at any time, for cause, he may suspend any such officer or employee thus appointed for a period not exceeding ten days, which suspension may continue for a longer period if approved by the Governor-General; and by and with the consent of the Governor-General he may discharge any such officer or employee.

(h) He shall cause to be instituted judicial proceedings to recover property and funds of the city wherever found or otherwise to protect the interests of the city, and shall cause to be defended all suits against the city.

(i) He may release any person imprisoned for violation of a city ordinance and remit the sentence of such person or any part thereof.

(j) He shall, on or before the tenth day of May of each year, prepare and present: to the Governor-General and the city council, itemized form and in detail: (1) An inventory of lands, buildings and other property, real and personal, belonging to the city, hiding cash in the treasury; (2) a statement of the liabilities of the city; (3) an estimate of the revenues of the city from all sources for the ensuing fiscal year, with a statement opposite each of the amount realized from such sources during the preceding months; (4) an estimate of the ordinary expenses for the ensuing fiscal year, with a statement opposite each item of the funding expenses during the preceding twelve months; (5) an estimate of such extraordinary expenditures as may be necessary for any purpose, the approximate total expenditure recommended, and the amount which it is expected to expend during the ensuing fiscal year; also an itemized statement of the extraordinary expenditures during the preceding twelve months.

(k) He shall, on or before the tenth day of August of each year, prepare and present to the Governor-General an annual report covering the operations of the city government during the preceding fiscal year.

SEC. 6. *The vice-mayor.*—There shall be a city council, and who shall, during the absence of the mayor from the city or his disability for any reason, discharge the duties of his office and exercise all his powers, except that of removing any officer from office.

SEC 7. *The city council; meetings; ordinances.*—There shall be a city council, a city council composed of the mayor, vice-mayor, and three other members. The council

shall fix the times and places for its regular meetings, which shall be held once in each week, and shall hold special meetings when called by the mayor. Any meeting, regular or special, may, in case the amount of business shall require, be adjourned from day to day until the business is completed. Meetings shall be open to the public, unless otherwise ordered by an affirmative vote of a majority of its members. It 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 noes 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 city 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 prevail upon the majority vote of the members present at any meeting duly called and held. Each ordinance shall be sealed with the city seal, signed by the mayor and the city secretary, and recorded in a book kept for that purpose. Each ordinance shall, on the day after its passage be posted by the city secretary at the main entrance to the municipal building, and shall take effect and be in force on and after the tenth day following its passage, if no date is fixed in the ordinance.

SEC. 8. *The city council: powers.*—The city council shall have power by ordinance or resolution—

(a) To make all appropriations for the expenses of government of the city, and establish and fix therein the salaries of city officers and employees, except teachers in the public schools, subject to approval by the Governor-General: *Provided*, That the fiscal year of the city shall commence on the first, day of July of each calendar year, and extend to and include the thirtieth day of June following: *Provided further*, That in consideration of the exemption from taxation of the extensive real-estate holdings of the Insular Government within the limits of the city, of the expense of improvements which the government of said city is required to make by reason of the location therein of offices of the Insular Government, and of free services in connection with said offices, there is hereby created a permanent continuing appropriation, from any funds in the Insular Treasury not otherwise appropriated, equal to fifty per centum of the expenses of the government of the city of Baguio exclusive of those amounts which appear as expenses by reason of interdepartmental charges and charges against the Insular Government for services and supplies.

(b) To provide for the levy and collection of taxes and other city revenues, as provided by law, and apply the same to the payment of municipal expenses in accordance with appropriations.

(c) To issue licenses fixing the amount of the license fee for the following: Hawkers, peddlers, hucksters, not including hucksters or peddlers who sell only native vegetables, fruits, or foods, personally carried by the huckster or peddler, auctioneers, plumbers, barbers, embalmers, collecting agencies, mercantile agencies, transportation companies and agencies, advertising agents, tattooers, fortunetellers, hotels, clubs,