

# [ Commonwealth Act No. 592, August 19, 1940 ]

## AN ACT TO CREATE THE CITY OF DANSALAN.

*Be it enacted by the National Assembly of the Philippines:*

SECTION 1. *Title.* - This Act shall be known as the Charter of the City of Dansalan.

SEC. 2. *Powers.* - The territory within the boundaries described in the next succeeding section and the inhabitants thereof, shall be a city which shall be known as the City of Dansalan; and by that name it 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; take, purchase, receive, hold, lease, convey, and dispose of real and personal property, for the benefit of the city, within or without its corporate limits; contract and be contracted with; and execute all the powers hereinafter conferred.

SEC. 3. *Boundaries.* - The boundaries and limits of the territory of said city shall be those of the present municipality of Dansalan, Province of Lanao.

SEC. 4. *Appointment of city officials - Compensation.* - The President of the Philippines shall appoint, with the consent of the Commission on Appointments of the National Assembly, the mayor, the vice-mayor, the city secretary, the members of the City Council, the city health officer, the city engineer, the chief of police, the city treasurer, the city assessor, and the city attorney, and he may remove at pleasure any of them. He may appoint to any of the above named offices persons already holding official positions. In case of sickness, absence, or inability to serve for any reason of any of the aforementioned officials, the President of the Philippines 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 so appointed or designated shall possess all the powers and perform all the duties pertaining to the office.

The mayor shall receive a compensation of not more than three thousand six hundred pesos per annum. A discretionary fund of not exceeding one thousand pesos shall be placed at his disposal by the City Council. The city secretary shall receive a compensation of not exceeding one thousand eight hundred pesos *per annum*, and the justice of the peace, not exceeding three thousand pesos per annum. The members of the City Council, including the vice-mayor, shall receive a *per diem* of ten pesos for each day of attendance at the session of the City Council.

The compensation of other officers and employees of the city shall be determined by ordinance approved by the Secretary of the Interior.

The President of the Philippines is authorized to organize immediately the government of the city, and to that end he may pay in advance from any fund of the Treasury of the Philippines not otherwise appropriated such amount as may be necessary, not exceeding the sum of two hundred thousand pesos.

SEC. 5. *Officers not to engage in certain transactions.* - No city officer or employee shall directly or indirectly be interested in any city contract work, or in any business

transaction with the city hereby money is to be paid directly or indirectly out of the revenues of the city to such person, or in any games and amusements licensed by the city or in any business of the city, or in the purchase of any real estate or any other property belonging to the city.

SEC. 6. *City not liable for damages.* - The failure of any city officer to enforce the provisions of this Act or any law or ordinance, or the negligence of said officer 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.

SEC. 7. *Additional powers and duties of officers.* - Every city officer shall have such other powers and duties as may be prescribed by law or ordinance.

SEC. 8. *Conduct of elections.* - The duties which are by the Election Code made incumbent upon provincial boards and municipal councils shall be performed by the City Council; and those upon provincial treasurers and municipal secretaries, by the city secretary.

SEC. 9. *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 Philippines, the provisions of this Act, 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 cause to be instituted any appropriate criminal action, or take proceedings to bring to the attention of the proper superior officer 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 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 City Service Law, all employees of the office of the Mayor, and all heads and assistant heads of departments of the city which may be provided for by law or by 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 Department Head; and, by and with the consent of the Department Head, 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 its interests, and shall cause to be defended all suits against the same.

- i. He shall, on or before the first day of December of each year, prepare and present to the Department Head and the City Council, in itemized form and in detail: (1) an inventory of lands, buildings, and other property, real and personal, belonging to the city, including 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 year, with a statement opposite each item of the amount realized from such sources during the current year; (4) an estimate of the ordinary expenses for the ensuing year, with a statement opposite each item of the corresponding expenses during the current year; (5) an estimate of such extraordinary expenditures as may be necessary for purpose, the approximate total expenditures recommended, the amount which the city is expected to spend during the ensuing year, also an itemized statement of the extraordinary expenditures during the current year.
- j. He shall, as soon as practicable after the first day of January of each year, prepare and present to the Department Head an annual report covering the operations of the city government during the preceding year.

SEC. 10. *The Vice-Mayor.* - There shall be a vice-mayor who shall be a member of the 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. 11. *The City Council - Meetings - Ordinances.* - There shall be a city Council composed of the Mayor, vice mayor, and three other members. The council shall fix the time 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, but such meetings shall not be held more than once a week, unless so authorized by the Department of Head. The meeting of the Council shall be opened to the public, unless otherwise ordered by 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 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 City Council shall be necessary for the passage of any ordinance, resolution, or motion directing the payment of money or creating liability. 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 of 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 ordinance.

SEC. 12. *The City Council - Powers.* - The City Council shall have power by ordinance or resolution:

- a. To make all appropriations for the expenses of the government of the city, and establish and fix the salaries of the city officers and employees, except teachers in the public schools, subject to approval by the Department Head.
- 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 city 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, auctioners, plumbers, barbers, embalmers, collecting agencies, mercantile agencies, transportation companies and agencies, advertising agents, tattooers, hotels, clubs, restaurants, lodging houses, boarding houses, livery stables, boarding stables, laundries, cleaning and dyeing establishments, establishments for the storage of highly combustible or explosive materials, public warehouses, dance halls, circus, and all other performances and places of amusement, public vehicles, horse races, bowling alleys, pawnbrokers, dealers in second-hand merchandise, junk dealers, billiard tables, theaters, theatrical performances, and all other performances and places of amusement, shooting galleries, slot machines not used for gaming, and merry-go-rounds; to license, regulate, or prohibit the selling, giving away, or disposing in any manner of any intoxicating, spirituous, vinous, or fermented liquors, and determine the amount to be paid for such licenses; to regulate and license signs, signboards, and billboards displayed or maintained in any place exposed to public view, except those displayed at the place or places where the professions or business advertised thereby is in whole or in part conducted.

If after due investigation, the Mayor shall decide that any person licensed under the provisions of this subsection is abusing his license and privilege to the injury of the public morals or peace or that any place so licensed has been or is conducted in a disorderly or unlawful manner, or is a nuisance, or is permitted to be used as a resort for disorderly characters, criminals, or women of ill repute, he may, by order, summarily revoke such license, subject to appeal to the Department Head, whose action on the appeal shall be final. Such revocation shall operate to forfeit to the city all sums which may have been paid for said license and to prohibit the issuance to the person whose license is so revoked of any other license for a term which may be fixed in said order.

- d. To make regulations for the conducting of the business of the persons and places named in subsection (c) of this section. To regulate the business and fix the locations of blacksmith shops, foundries, steam boilers, steam engines, lumber yards, sawmills, and other establishments likely to endanger the public safety by giving rise to conflagrations or explosions; to regulate the storage and sale of gunpowders, tar, pitch, resin, coal, oil, gasoline, benzine, turpentine, hemp, cotton, nitroglycerin, petroleum, or any

of the predicts thereof and of all other highly combustible or explosive materials.

- e. To reflate the use of the streets and public places by vehicles; to regulate garages and stables aid the keeping of carriages, carts, end other conveyances for hire; and to designate stands to be occupied by public vehicles when not in use.
- f. To provide for the erection or rental and care of buildings necessary for the use of the city.
- g. To establish and maintain public schools, subject to the limitations of law.
- h. To establish fire limits and regulate the kinds of buildings and structures that may be erected within said limits, and the manner of constructing and repairing the same
- i. To erect engine houses, and provide fire engines, hose carts, hooks and ladders, aid other ecipiment for the prevention and extinguishment of fires, and to provide for the management aid use of the same. Until farther provisions is made,'the law providing for fire protection in municipalities having no paid fire department, shall apply to the city.
- j. To regulate the use of limits in stables, shops, and other buildings and places, and to regulate or restrain the building of bonfires and the use of firecrackers, fireworks, torpedoes, and pyrotechni c displays.
- k. To make suitable provisions to insure the public safety from conflagrations and th e effects of storms and other public calamities, and to provide relief for persons suffering from the sane.
- l. To provide for laying out, opening, extending, widening, straightening, closing up, constructing, or regulating, in part, any public plaza, scparc, street, sidewalk, trail, park, waterworks, or water main s, or any cemetery, sewer, sewer connection or conn ection s, either on, in, or upon public or private property; to provide for ascertaining whether any, and what amount in value of, damage will be caused, or benefit will accrue to th e owner or possessor of any land, premises, or improvements, whether public or private, by reason of my such work and for which the owner or possessor should to compensated, or should pay accompnensation, and provide for assessing, levying, and collecting, either generally on the whole assessable property within the city, especially on the property benefited, or on all the property within any stated area or district within the bounds of said city which it may create and establish for any such purpose, die whole, or any part of the amount of damages and expenses which, as so ascertained, will be incurred in aid about any such work nr construction as afore-said within the bounds of said city; to provide for the payment of such compensation as may be found to be due to any person or persons entitled thereto; to provide, when the owners or possessors of such lands, premises or improvements shall not properly and fully pay to such officials and at such time or times and manner as it shall fix therefor any amount or amounts which may be found and declared to be due as aid for such assessments as aforesaid, for filing in the proper and appropriate registers or records of property declarations o f such amounts so found due, which amounts shall, in such and all cases