

[Commonwealth Act No. 338, June 21, 1938]

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

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 Tagaytay.

SEC. 2. *Incorporation—Powers.*—The territory within the boundaries described in the next succeeding section, and the inhabitants thereof, shall be a municipality which shall be known as the City of Tagaytay; 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; 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 are established and prescribed as follows: Beginning at a point marked "1" on plan, being N. 68° 30' E., 1,310 meters from point "0", the intersection of the center lines of Alfonso XII—Tagaytay and Cavite — Batangas inter provincial roads; thence N. 24° 48' W., 2,487 meters to point 2; thence N. 70° 56' E., 16,332 meters to point 3; thence S. 51° 51' E., 2,946 meters to point 4; thence S. 61° 10' W., 12,820 meters to point 5; thence S. 78° 40' W., 4,910 meters to point 6; and thence N. 24° 48' W., 1,536 meters to point "1", the point of beginning; containing an area of 6,500 hectares more or less. Bearings true. Provided, That the President of the Philippines may, notwithstanding the provisions of existing law to the contrary, by executive order extend the territorial limits of the said city.

SEC. 4. *Jurisdiction of city for police purposes.*—The jurisdiction of the City of Tagaytay for police purposes only shall extend within the territorial limits of the said city; and for the purpose of protecting and insuring the purity and quantity of water supply of the city, such police jurisdiction shall also extend over all territory within the drainage area of such water supply, or within one hundred meters of any reservoir, conduit, canal, aqueduct, pumping station or watershed, used in connection with the city water service. The justice of the peace court of the city shall have concurrent jurisdiction with the justice of the peace courts of the municipalities within which the said territory within the drainage area and the said space of one hundred meters are situated to try crimes and misdemeanors committed therein. The court first taking jurisdiction of such an offense shall thereafter retain exclusive jurisdiction thereof. Provided, That offense or offenses and all other cases, criminal or civil, appealable to, or cognizable by Court of First Instance shall be tried by the Court of First Instance of the Province of Cavite. Provided, further, That all fines, forfeitures, fees, and costs, imposed by reason of offenses committed within the said space of one hundred meters and territory within the said drainage area shall accrue, not to the treasury of the City of Tagaytay but to the treasury of the municipality in which the said space or territory in which the offense committed is located.

SEC. 5. *Moneys from sale of lands, etc., to accrue to city.*—All moneys received from

the sale of public lands within the city shall accrue to and be deposited in the treasury thereof, and all the fees and charges accruing within the city under general law which but for this Act would accrue to a province shall accrue to and be deposited in the treasury of the city.

SEC. 6. *Appointment of city officials.*—The President of the Philippines shall appoint, with the consent of the Commission on Appointments of the National Assembly, the Mayor, the vice-mayor, and the members of the city council, the city health officer, the city engineer, the chief of police, the city treasurer, the city assessor, the city attorney, and the assistant city attorney, and he may remove at pleasure any of the said appointive officers. He may appoint to any of the above-named offices persons who already hold official positions, and any officers or employee in the public service who shall be appointed or designated to any authorized position in the government of the city may, in the discretion of the appointing authority, receive all or any part of the salary appropriated for the position, other provisions of law to the contrary notwithstanding. 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 receiving the same shall possess all the powers and perform all the duties pertaining thereto.

SEC. 7. *Officers not to engage in certain transaction.*— No city officers or employee shall be directly or indirectly interested in any city contract work, or in 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, 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. 8. *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 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.

SEC. 9. *Additional powers and duties of officers.*—Every city officer shall, in addition to the powers and duties in this Act expressly imposed and granted, have such further powers and perform such further duties as may be prescribed by law or ordinance.

SEC. 10. *Conduct of elections in the City of Tagaytay.*—For the effectuation of the purposes of the Election Law in the election of public national officials, the duties which are by said law made incumbent upon provincial boards and municipal councils shall be performed by the City Council of Tagaytay, and the duties imposed by said law upon provincial treasurers and municipal secretaries shall be performed by the city secretary.

SEC. 11. *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, with the approval of the Department Head, 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, the city secretary, 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 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 the interests of the city, and shall cause to be defend 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 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) and 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 any purpose, the approximate total expenditure recommended, and the amount which it is expected to expend during the ensuing year; also an itemized statement of the extraordinary expenditures during the current year.
- k. 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. 12. *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. 13. *The City Council—Meetings—Ordinances.*—There shall be a City Council composed of the Mayor, vice-mayor, and three other members, who, under the

provisions of section five of this Act, shall be appointed by the President of the Philippines with the consent of the Commission on Appointments of the National Assembly. 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. 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 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, 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. 14. *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 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 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, 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 other similar parades, public vehicles, horse races, bowling alleys, pawnbrokers, dealers in secondhand 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 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 location of blacksmith shops, foundries, steam boilers, steam engines, lumberyards, sawmills, and other establishments likely to endanger the public safety by giving rise to conflagrations or explosions; to regulate the storage and sale of gunpowder, tar, pitch, resin, coal, oil, gasoline, benzine, turpentine, hemp, cotton, nitroglycerin, petroleum, or any of the products thereof and of all other highly combustible or explosive materials.
- e. To regulate the use of the streets and public places by vehicles; to regulate garages and stables and the keeping of carriages, carts, and 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, and other equipment for the prevention and extinguishment of fires, and to provide for the management and use of the same. Until further provisions 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 lights in stables, shops, and the buildings and places, and to regulate or restrain the building of bonfires and the use of firecrackers, fireworks, torpedoes, and pyrotechnic displays.
- k. To make suitable provisions to insure the public safety from conflagrations and the effects of storms, and other public calamities, and to provide relief for persons suffering from the same.
- l. To provide for laying out, opening, extending, widening, straightening, closing up, constructing, or regulating, in whole or in part, any public plaza, square, street sidewalk, trail, park, waterworks, or water mains, or any cemetery, sewer, sewer connection or connections, 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 the owner or possessor of any land, premises, or improvements, whether public or private, by reason of any such work and for which the owner or possessor should be compensated, or should pay a compensation, 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