

# [ Commonwealth Act No. 158, November 09, 1936 ]

## **AN ACT TO AMEND COMMONWEALTH ACT NUMBERED FIFTY-SEVEN, ENTITLED "AN ACT ESTABLISHING A FORM OF GOVERNMENT FOR THE CITY OF ILOILO."**

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

Section 1. This Act, which shall take effect on its approval, amends Commonwealth Act Numbered Fifty-seven, entitled "An Act establishing a form of government for the City of Iloilo," so that said Act, in its entirety, shall read as follows:

### AN ACT CREATING THE CITY OF ILOILO

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

#### PRELIMINARY ARTICLE.—*Title of Act*

SECTION 1. This Act shall be known as the Charter of the City of Iloilo.

#### ARTICLE I.—*General Provisions*

SEC. 2. *Corporate character of the City of Iloilo.*—The City of Iloilo constitutes a political body corporate and as such is 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 Charter.

SEC. 3. *Seal and general powers of the city.*—The City shall have a seal and may alter the same. It may take, purchase, reject, receive, hold, lease, convey and dispose of real and personal property for the general interests of the city, condemn private property for public use, contract and be contracted with, sue and be sued, prosecute and defend to final judgment and execution, and exercise all powers hereinafter conferred.

SEC. 4. *City not liable for damages.*—The city shall not be liable for damages or injuries to persons or property arising from the failure of the Municipal Board, or any city officer, to enforce the provisions of this Charter, or any other law or ordinance, or from negligence on their part while carrying out or enforcing said provisions.

SEC. 5. *Territorial jurisdiction.*—The territorial jurisdiction of the City of Iloilo shall comprise the present territorial jurisdiction of the municipalities of Iloilo, La Paz and Arevalo, which shall be merged into one corporation upon the inauguration of the city.

SEC. 6. *Jurisdiction of city government for police purposes.*—The jurisdiction of the government of the City of Iloilo for police purposes shall extend to three miles from the shore into the Bay of Iloilo and over a zone surrounding the city on land of two and one-half miles in width. Said police jurisdiction shall likewise extend over a belt of land one hundred meters in width on each side of any city water main or pipe and around the reservoirs of the city water service. The police of the several adjacent

municipalities shall have concurrent jurisdiction with the police of the City of Iloilo for the maintenance of good order and the enforcement of lawful ordinances throughout said common zone. But any license that may lawfully be granted within said zone shall be granted by the proper authorities of the municipality to which the territory affected belongs, and the fees arising therefrom shall appertain to the treasury of such municipality.

*SEC. 7. Relations between the City of Iloilo and the Provincial Government of Iloilo.*—For election purposes, the City of Iloilo shall continue as part of the Second Assembly District of the Province of Iloilo. The voters of said City of Iloilo shall take part in the election of the provincial officers of Iloilo, but the latter shall have no jurisdiction over the City of Iloilo and the officers of the same, except as provided in sections nineteen and twenty hereof.

In consideration of the privileges and exemptions enjoyed by the provincial government within the city and of the responsibilities imposed on the same by the continuance of the city as capital of the province, the provincial board of Iloilo shall be obliged to create a permanent continuing annual appropriation of not less than fifty thousand pesos nor more than one hundred thousand pesos, to be credited to the general funds of the city. The Auditor General shall see to the enforcement of this provision of law and shall transfer to the City of Iloilo at the beginning of each year, from any funds in the provincial treasury of Iloilo not otherwise appropriated, the sum of fifty thousand pesos, unless the provincial government shall have previously voted a greater sum.

## ARTICLE II.—*The Mayor*

*SEC. 8. Appointment and compensation.*—The Mayor shall be the chief executive of the city.

He shall be appointed by the President of the Philippines with the consent of the Commission on Appointments of the National Assembly. He shall be appointed solely on the basis of his executive and administrative qualifications. The selection shall not be limited to inhabitants of Iloilo. He shall hold office for six years unless removed, and shall receive a salary of six thousand pesos a year. A discretionary fund of two thousand pesos a year shall be appropriated out of the funds of the city, to be placed at the disposal of the Mayor.

*SEC. 9. The acting Mayor—Definitive vacancy.*—In the event of the temporary incapacity or absence of the Mayor, or in the event of a definitive vacancy in the position of Mayor, the city treasurer shall perform the duties of the Mayor until said office shall be filled in accordance with law. If, for any reason, the city treasurer is temporarily incapacitated for the performance of the duties of the Mayor, or said office of city treasurer is vacant, the duties of the Mayor shall be performed by the city engineer. The acting Mayor shall have the same powers and duties and receive the same compensation as the Mayor.

In case of a definitive vacancy, the President, with the consent of the Commission on Appointments of the National Assembly, shall appoint the person who shall hold the office for the unexpired portion of the term.

*SEC. 10. General duties and powers of the Mayor.*—The Mayor shall have immediate

control over the executive functions of the several departments of the city, subject to the authority and supervision of the Secretary of the Interior, and shall have the following general duties and powers:

- a. To comply with and 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 applied in accordance with appropriations to the payment of the municipal expenses.
- d. To cause to be instituted judicial proceedings to recover property and funds of the city wherever found, to protect the interests of the city, and to cause to be defended all suits against the city.
- e. To see that the executive officers and employees of the city discharge their respective duties in an adequate manner.
- f. To examine and inspect the books, records, and papers of all officers, agents, and employees of the executive departments of the city whenever occasion arises, and at least once in each year. For this purpose the Municipal Board shall provide him with the necessary secretarial personnel and with such help as may be required.
- g. To give such information and recommend such measures to the Board as he shall deem advantageous to the city.
- h. To attend the sessions, if he so desires, of the Board and participate in its deliberations, but not to vote.
- 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 laws or ordinances.
- j. To release, subject to such conditions as he may deem necessary, or unconditionally, any person imprisoned or sentenced for violation of a city ordinance, or remit the sentence of such person, or any part thereof.
- k. To submit to the Municipal Board before the sixteenth day of December of each year a budget of receipts and expenditures of the city.
- l. To receive, hear, and decide as he may deem proper, petitions, complaints, and claims concerning all classes of municipal matters of an administrative and executive character.
- m. To grant and refuse municipal licenses or permits of all classes and to revoke the same for violation of the conditions upon which they were granted, or if acts prohibited by law or municipal ordinance are being committed under the protection of such licenses or in the premises in which the business for which the same have been granted is carried on, or for any other good reason of general interest.
- n. To excuse, with the concurrence of the division superintendent of schools, deserving pupils from the payment of matriculation fees or of any part thereof.
- o. To be responsible for the proper administration of all the affairs of the city and for this purpose to make all appointments except as otherwise provided for in this Charter.
- p. To take such emergency measures as may be necessary to avoid fires, floods, and the effects of storms and other public calamities.
- q. To perform such other duties and exercise such other executive powers as may be prescribed by law or ordinance.
- r. To pass on the payment to creditors of the city or delegate such powers to duly authorized representatives.

- s. To exercise the veto power in the manner prescribed in section eighteen of this Charter.
- t. To submit an annual report to the Secretary of the Interior.

The Mayor may, in the interest of the service and with the approval of the Secretary of the Interior, transfer any officer or administrative employee, not appointed by the President of the Philippines, from one section, division or service, to another section, division or service within the same department, without change of compensation.

SEC. 11. *Checks.*—Checks or certificates of deposit on the funds of the city shall be issued by the Mayor or his duly authorized representative, and countersigned by the provincial auditor or his duly authorized representative.

SEC. 12. *Secretary of city.*—The Mayor shall appoint a secretary of the city,, who shall receive an annual compensation of twenty-four hundred pesos and shall be considered as chief of a department of the city. Said secretary shall be the local civil registrar of the City of Iloilo and shall have charge and custody of all records and documents of the city and of any office or department thereof for which provision is not otherwise made; shall keep the corporate seal of the city and affix the same with his signature to all ordinances and resolutions signed by the Mayor and to all other official documents and papers of the government of the city as may be required by custom, in the discretion of the Mayor; shall attest all executive orders, proclamations, ordinances and resolutions signed by the Mayor and shall perform such other duties as the Mayor may require of him or as may be required of him by law or ordinance; shall, on demand, furnish certified copies of all records and documents in his charge which are not of a confidential character and shall collect twenty centavos for each one hundred words including the certificate, and all receipts shall be paid into the city treasury. He shall likewise perform all the duties imposed on chiefs of departments of the city government by section twenty-four hereof.

SEC. 13. *Execution of authorized public works and improvements.*—All public works of construction, repair, and improvements of the city shall be carried on by administration, under the direction of the Mayor. For good reasons, the Mayor, on recommendation of the city engineer, may have said work done totally or partially by contract, upon advertising for bids therefor. In this event, the Mayor shall advertise for sealed bids for the same, the advertisements to be placed on the bulletin boards of the City Hall and in the Provincial Government Building, ten days before the day fixed for opening such sealed proposals. A plan of the work to be done, accompanied by specifications for the performance of the same, shall be filed, after the advertisement shall have been made, at the office of the Mayor or of the city engineer, for public inspection. All bids shall be opened in the presence of the Mayor at the advertised time and place. Each bid shall be accompanied by a deposit, the amount and character of which shall be fixed by the Mayor and named in the advertisement, and which shall not exceed ten per centum of the estimated cost of the improvement or work to be done where the estimated cost does not exceed two thousand pesos, and shall not be less than two hundred pesos in any case. Such deposit shall be forfeited to the city if the bidder shall neglect to post-a bond or refuse to enter into a contract, with approved sureties, to execute the work for the price mentioned in his hid and according to the plans and specifications, in case the contract shall be awarded to him. The Mayor may reject any or all bids received. Should all bids be rejected or should it become necessary for any reason to call for

new bids, subsequent advertisements shall be for a period of five days before the proposals are opened, and in the manner above described. Bonds, to be approved by the Mayor, shall be taken for the faithful performance of all contracts. Contracts shall be executed in triplicate by the Mayor and by the contractor, and the original shall be filed in the office of the Mayor, one copy in the office of the provincial auditor and the third shall be given to the contractor.

### ARTICLE III.—*Municipal Board*

SEC. 14. *Constitution and organization of the Municipal Board.*—The Municipal Board shall be the legislative body of the city and shall consist of seven councilors, who shall hold office for three years. At the beginning of each term, the members of the Board shall elect from among their number a president, who, during the three following years, shall preside at all the meetings of the Board at which he is present and shall have the right to vote on all matters submitted to the Board. In his absence, the Board shall elect one of its members temporary president. The President of the Board shall sign all ordinances and all resolutions and motions directing the payment of money or creating liability. In case of sickness or absence of any member of the Board or if for any reason it becomes necessary to maintain a quorum, the President of the Philippines shall appoint a temporary substitute who, until the return to duty of the sick or absent member, shall hold the office, possess all rights, receive all the emoluments and perform all the duties of a member of the Board.

The President of the Philippines, with the consent of the Commission on Appointments of the National Assembly, shall fill all permanent vacancies occurring in the Municipal Board for the unexpired portion of the term.

The President of the Board shall receive a per diem of fifteen pesos and the other members shall each receive a *per diem* of ten pesos for each day of attendance at a session of the Board.

SEC. 15. *Qualifications, election, suspension and removal of members of Board.*—The members of the Municipal Board shall be elected at large from the entire city, and each of them at the time of his election shall be a resident for at least one year and a qualified elector of the city and not less than twenty-three years of age. Such members may be suspended or removed from office under the same circumstances, in the same manner, and with the same effect, as elective provincial officers, and the provisions of law relating to the suspension or removal of elective provincial officers are made effective for the suspension or removal of said members of the Board. In so far as they are applicable all the provisions of the Election Law are made effective as to members of the Board and to their election, to the same extent as if the City of Iloilo were a province, and the election of said members were the election for members of the provincial board.

A plurality shall be sufficient for election and any tie shall be decided by lot by the municipal board of canvassers.

The first election under this Charter shall take place on the date of the general elections, immediately after the approval of this Act.

SEC. 16. *Appointment and duties of secretary of Board.*—The Board shall have a