

**THE LOCAL GOVERNMENT CODE OF THE PHILIPPINES**  
**BOOK III**  
**LOCAL GOVERNMENT UNITS**

**TITLE ONE. - THE BARANGAY**

**CHAPTER 1. - ROLE AND CREATION OF THE BARANGAY**

**SECTION 384.** Role of the Barangay. - As the basic political unit, the Barangay serves as the primary planning and implementing unit of government policies, plans, programs, projects, and activities in the community, and as a forum wherein the collective views of the people may be expressed, crystallized and considered, and where disputes may be amicably settled.

**SECTION 385.** Manner of Creation. - A Barangay may be created, divided, merged, abolished, or its boundary substantially altered, by law or by an ordinance of the Sangguniang Panlalawigan or Sangguniang Panlungsod, subject to approval by a majority of the votes cast in a plebiscite to be conducted by the Comelec in the local government unit or units directly affected within such period of time as may be determined by the law or ordinance creating said Barangay. In the case of the creation of Barangays by the Sangguniang Panlalawigan, the recommendation of the Sangguniang Bayan concerned shall be necessary.

**SECTION 386.** Requisites for Creation. - (a) A Barangay maybe created out of a contiguous territory which has a population of at least two thousand (2,000) inhabitants as certified by the National Statistics Office except in cities and municipalities within Metro Manila and other metropolitan political subdivisions or in highly urbanized cities where such territory shall have a certified population of at least five thousand(5,000) inhabitants: Provided, That the creation thereof shall not reduce the population of the original Barangay or Barangays to less than the minimum requirement prescribed herein.

To enhance the delivery of basic services in the indigenous cultural communities, Barangays may be created in such communities by an Act of Congress, notwithstanding the above requirement.

- (b) The territorial jurisdiction of the new Barangay shall be properly identified by metes and bounds or by more or less permanent natural boundaries. The territory need not be contiguous if it comprises two (2) or more islands.
- (c) The governor or city mayor may prepare a consolidation plan for Barangays, based on the criteria prescribed in this Section, within his territorial jurisdiction. The plan shall be submitted to the Sangguniang Panlalawigan or Sangguniang Panlungsod concerned for appropriate action.

In the case of municipalities within the Metropolitan Manila area and other metropolitan political subdivisions, the Barangay consolidation plan shall be prepared and approved by the Sangguniang Bayan concerned.

**CHAPTER 2 - Barangay Officials and Offices**

**SECTION 387.** Chief Officials and Offices. - (a) There shall be in each Barangay a Punong Barangay, seven (7) Sangguniang Barangay members, the Sangguniang Kabataan chairman, a Barangay Secretary, and a Barangay treasurer.

- (b) There shall also be in every Barangay a Lupong Tagapamayapa. The Sangguniang Barangay may form community brigades and create such other positions or offices as may be deemed necessary to carry out the purposes of the Barangay government in

accordance with the needs of public service, subject to the budgetary limitations on personal services prescribed under Title Five, Book II of this Code.

**SECTION 388.** Persons in Authority. - For purposes of the Revised Penal Code, the Punong Barangay, Sangguniang Barangay members, and members of the Lupong Tagapamayapa in each Barangay shall be deemed as persons in authority in their jurisdictions, while other Barangay officials and members who may be designated by law or ordinance and charged with the maintenance of public order, protection and security of life and property, or the maintenance of a desirable and balanced environment, and any Barangay member who comes to the aid of persons in authority, shall be deemed agents of persons in authority.

### **CHAPTER 3 - THE Punong Barangay**

**SECTION 389.** Chief Executive: Powers, Duties, and Functions. - (a) The Punong Barangay, as the chief executive of the Barangay government, shall exercise such powers and perform such duties and functions, as provided by this Code and other laws.

- (b) For efficient, effective and economical governance, the purpose of which is the general welfare of the Barangay and its inhabitants pursuant to Section 16 of this Code, the Punong Barangay shall:
- (a) Enforce all laws and ordinances which are applicable within the Barangay;
  - (b) Negotiate, enter into, and sign contracts for and in behalf of the Barangay, upon authorization of the Sangguniang Barangay;
  - (c) Maintain public order in the Barangay and, in pursuance thereof, assist the city or municipal mayor and the sanggunian members in the performance of their duties and functions;
  - (d) Call and preside over the sessions of the Sangguniang Barangay and the Barangay assembly, and vote only to break a tie;
  - (e) Upon approval by a majority of all the members of the Sangguniang Barangay, appoint or replace the Barangay treasurer, the Barangay secretary, and other appointive Barangay officials;
  - (f) Organize and lead an emergency group whenever the same may be necessary for the maintenance of peace and order or on occasions of emergency or calamity within the Barangay;
  - (g) In coordination with the Barangay development council, prepare the annual executive and supplemental budgets of the Barangay;
  - (h) Approve vouchers relating to the disbursement of Barangay funds;
  - (i) Enforce laws and regulations relating to pollution control and protection of the environment;
  - (j) Administer the operation of the Katarungang PamBarangay in accordance with the provisions of this Code;
  - (k) Exercise general supervision over the activities of the Sangguniang Kabataan;
  - (l) Ensure the delivery of basic services as mandated under Section 17 of this Code;

- (m) Conduct an annual palaring Barangay which shall feature traditional sports and disciplines included in national and international games, in coordination with the Department of Education, Culture and Sports;
  - (n) Promote the general welfare of the Barangay; and
  - (o) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.
- (c) In the performance of his peace and order functions, the Punong Barangay shall be entitled to possess and carry the necessary firearm within his territorial jurisdiction, subject to appropriate rules and regulations.

#### **CHAPTER 4 - The Sangguniang Barangay**

**SECTION 390.** Composition. - The Sangguniang Barangay, the legislative body of the Barangay, shall be composed of the Punong Barangay as presiding officer, and the seven (7) regular Sangguniang Barangay members elected at large and Sangguniang Kabataan chairman, as members.

**SECTION 391.** Powers, Duties, and Functions. - (a) The Sangguniang Barangay, as the legislative body of the Barangay, shall:

- (1) Enact ordinances as may be necessary to discharge the responsibilities conferred upon it by law or ordinance and to promote the general welfare of the inhabitants therein;
- (2) Enact tax and revenue ordinances, subject to the limitations imposed in this Code;
- (3) Enact annual and supplemental budgets in accordance with the provisions of this Code;
- (4) Provide for the construction and maintenance of Barangay facilities and other public works projects chargeable to the general fund of the Barangay or such other funds actually available for the purpose;
- (5) Submit to the Sangguniang Panlungsod or Sangguniang Bayan such suggestions or recommendations as it may see fit for the improvement of the Barangay or for the welfare of the inhabitants thereof;
- (6) Assist in the establishment, organization, and promotion of cooperative enterprises that will improve the economic condition and well-being of the residents;
- (7) Regulate the use of multi-purpose halls, multi- purpose pavements, grain or copra dryers, patios and other post-harvest facilities, Barangay waterworks, Barangay markets, parking areas or other similar facilities constructed with government funds within the jurisdiction of the Barangay and charge reasonable fees for the use thereof;
- (8) Solicit or accept monies, materials and voluntary labor for specific public works and cooperative enterprises of the Barangay from residents, land owners, producers and merchants in the Barangay; monies from grants-in-aid, subsidies, contributions, and revenues made available to the Barangays from national, provincial, city or municipal funds; and monies from other private agencies and individuals: Provided, however, That monies or properties donated by private agencies and individuals for specific purposes shall accrue to the Barangay as trust fund;

- (9) Solicit or accept, in any or all the foregoing public works and cooperative enterprises, such cooperation as is made available by national, provincial, city, or municipal agencies established by law to render financial, technical, and advisory assistance to Barangays and to Barangay residents: Provided, however, That in soliciting or accepting such cooperation, the Sangguniang Barangay need not pledge any sum of money for expenditure in excess of amounts currently in the Barangay treasury or encumbered for other purposes;
- (10) Provide compensation, reasonable allowances or per diems as well as travel expenses for Sangguniang Barangay members and other Barangay officials, subject to the budgetary limitations prescribed under Title Five, Book II of this Code: Provided, however, That no increase in the compensation or honoraria of the Sangguniang Barangay members shall take effect until after the expiration of the full term of all members of the Sangguniang Barangay approving such increase;
- (11) Hold fund-raising activities for Barangay projects without the need of securing permits from any national or local office or agency. The proceeds from such activities shall be tax-exempt and shall accrue to the general fund of the Barangay: Provided, That in the appropriation thereof, the specific purpose for which such fund-raising activity has been held shall be first satisfied: Provided, further, That no fund-raising activities shall be held within a period of sixty(60) days immediately preceding and after a national or local election, recall, referendum, or plebiscite: Provided, finally, That said fund-raising activities shall comply with national policy standards and regulations on morals, health, and safety of the persons participating therein. The Sangguniang Barangay, through the Punong Barangay, shall render a public accounting of the funds raised at the completion of the project for which the fund-raising activity was under- taken;
- (12) Authorize the Punong Barangay to enter into contracts in behalf of the Barangay, subject to the provisions of this Code;
  - (a) Authorize the Barangay treasurer to make direct purchases in an amount not exceeding One thousand pesos (P1,000.00) at any one time for the ordinary and essential administrative needs of the Barangay;
  - (b) Prescribe fines in amounts not exceeding One thousand pesos (P1,000.00) for violation of Barangay ordinances;
  - (c) Provide for the administrative needs of the Lupong Tagapamayapa and the pangkat ng tagapagkasundo;
  - (d) Provide for the organization of community brigades, Barangay tanod, or community service units as may be necessary;
  - (e) Organize regular lectures, programs, or fora on community problems such as sanitation, nutrition, literacy, and drug abuse, and convene assemblies to encourage citizen participation in government;
  - (f) Adopt measures to prevent and control the proliferation of squatters and mendicants in the Barangay;
  - (g) Provide for the proper development and welfare of children in the Barangay by promoting and supporting activities for the protection and total development of children, particularly those below seven (7) years of age;

- (h) Adopt measures towards the prevention and eradication of drug abuse, child abuse, and juvenile delinquency;
- (i) Initiate the establishment of a Barangay high school, whenever feasible, in accordance with law;
- (j) Provide for the establishment of a non-formal education center in the Barangay whenever feasible, in coordination with the Department of Education, Culture and Sports,;
- (k) Provide for the delivery of basic services; and
- (l) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

**SECTION 392.** Other Duties of Sangguniang Barangay Members. - In addition to their duties as members of the Sangguniang Barangay, Sangguniang Barangay members may:

- (a) Assist the Punong Barangay in the discharge of his duties and functions;
- (b) Act as peace officers in the maintenance of public order and safety; and
- (c) Perform such other duties and functions as the Punong Barangay may delegate.

**SECTION 393.** Benefits of Barangay Officials. - (a) Barangay officials, including Barangay tanods and members of the Lupong Tagapamayapa, shall receive honoraria, allowances, and such other emoluments as may be authorized by law or Barangay, municipal or city ordinance in accordance with the provisions of this Code, but in no case shall it be less than One thousand pesos (P=1,000.00) per month for the Punong Barangay and Six hundred pesos (P=600.00) per month for the Sangguniang Barangay members, Barangay treasurer, and Barangay secretary: Provided, however, That the annual appropriations for personal services shall be subject to the budgetary limitations prescribed under Title Five, Book II of this Code;

- (b) The Punong Barangay, the Sangguniang Barangay members, the Barangay treasurer, and the Barangay secretary shall also:
  - (1) Be entitled to Christmas bonus of at least One thousand pesos (P1,000.00) each, the funds for which shall be taken from the general fund of the Barangay or from such other funds appropriated by the national government for the purpose;
  - (2) Be entitled, during their incumbency, to insurance coverage which shall include, but shall not be limited to temporary and permanent disability, double indemnity, accident insurance, death and burial benefits, in accordance with Republic Act Numbered Sixty-nine hundred forty-two (R.A. No. 6942), entitled "An Act Increasing the Insurance Benefits of Local Government Officials and Providing Funds Therefor";
  - (3) Be entitled to free medical care including subsistence, medicines, and medical attendance in any government hospital or institution: Provided, That such hospital care shall include surgery or surgical expenses, medicines, X-rays, laboratory fees, and other hospital expenses;

In case of extreme urgency where there is no available government hospital or institution, the Barangay official concerned may submit himself for immediate medical attendance to the nearest private clinic, hospital or institution and the expenses not exceeding Five thousand pesos (P5,000.00) that may be incurred therein shall be chargeable against the funds of the Barangay concerned;

- (a) Be exempted during their incumbency from paying tuition and matriculation fees for their legitimate dependent children attending state colleges or universities. He may likewise avail of such educational benefits in a state college or university located within the province or city to which the Barangay belongs; and
- (b) Be entitled to appropriate civil service eligibility on the basis of the number of years of service to the Barangay, pursuant to the rules and regulations issued by the Civil Service Commission.
- (c) Elective Barangay officials shall have preference in appointments to any government position or in any government-owned or -controlled corporations, including their subsidiaries, after their tenure of office, subject to the requisite qualifications and the provisions of the immediately preceding paragraph.
- (d) All duly appointed members of the Barangay tanod brigades, or their equivalent, which shall number not more than twenty (20) in each Barangay, shall be granted insurance or other benefits during their incumbency, chargeable to the Barangay or the city or municipal government to which the Barangay belongs.

#### **CHAPTER 5 - APPOINTIVE BARANGAY OFFICIALS**

SECTION. 394. Barangay secretary: Appointment, Qualifications, Powers and Duties. - (a) The Barangay secretary shall be appointed by the Punong Barangay with the concurrence of the majority of all the Sangguniang Barangay members. The appointment of the Barangay secretary shall not be subject to attestation by the Civil Service Commission.

- (b) The Barangay secretary shall be of legal age, a qualified voter and an actual resident of the Barangay concerned.
- (c) No person shall be appointed Barangay secretary if he is a Sangguniang Barangay member, a government employee, or a relative of the Punong Barangay within the fourth civil degree of consanguinity or affinity.
- (d) The Barangay secretary shall:
  - (a) Keep custody of all records of the Sangguniang Barangay and the Barangay assembly meetings;
  - (b) Prepare and keep the minutes of all meetings of the Sangguniang Barangay and the Barangay assembly;
  - (c) Prepare a list of members of the Barangay assembly, and have the same posted in conspicuous places within the Barangay;
  - (d) Assist in the preparation of all necessary forms for the conduct of Barangay elections, initiatives, referenda or plebiscites, in coordination with the Comelec;
  - (e) Assist the municipal civil registrar in the registration of births, deaths, and marriages;
  - (f) Keep an updated record of all inhabitants of the Barangay containing the following items of information: name, address, place and date of birth, sex, civil status, citizenship, occupation, and such other items of information as may be prescribed by law or ordinances;
  - (g) Submit a report on the actual number of Barangay residents as often as may be

required by the Sangguniang Barangay; and

- (h) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

**SECTION 395.** Barangay Treasurer: Appointment, Qualifications, Powers and Duties. - (a) The Barangay treasurer shall be appointed by the Punong Barangay with the concurrence of the majority of all the Sangguniang Barangay members. The appointment of the Barangay treasurer shall not be subject to attestation by the Civil Service Commission.

- (b) The Barangay treasurer shall be of legal age, a qualified voter, and an actual resident of the Barangay concerned.
- (c) No person shall be appointed Barangay treasurer if he is a Sangguniang Barangay member, a government employee, or a relative of the Punong Barangay within the fourth civil degree of consanguinity or affinity.
- (d) The Barangay treasurer shall be bonded in accordance with existing laws in an amount to be determined by the Sangguniang Barangay but not exceeding Ten thousand pesos (P=10,000.00), premiums for which shall be paid by the Barangay.
- (e) The Barangay treasurer shall:
  - (a) Keep custody of Barangay funds and properties;
  - (b) Collect and issue official receipts for taxes, fees, contributions, monies, materials, and all other resources accruing to the Barangay treasury and deposit the same in the account of the Barangay as provided under Title Five, Book II of this Code;
  - (c) Disburse funds in accordance with the financial procedures provided in this Code;
  - (d) Submit to the Punong Barangay a statement covering the actual and estimates of income and expenditures for the preceding and ensuing calendar years, respectively, subject to the provisions of Title Five, Book II of this Code;
  - (e) Render a written accounting report of all Barangay funds and property under his custody at the end of each calendar year, and ensure that such report shall be made available to the members of the Barangay assembly and other government agencies concerned;
  - (f) Certify as to the availability of funds whenever necessary;
  - (g) Plan and attend to the rural postal circuit within his jurisdiction; and
  - (h) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

**SECTION 396.** Other Appointive Officials. - The qualifications, duties, and functions of all other Barangay officials appointed by the Punong Barangay shall be governed by the provisions of this Code and other laws or by Barangay ordinances.

## **CHAPTER 6 - BARANGAY ASSEMBLY**

**SECTION 397.** Composition; Meetings. - (a) There shall be a Barangay assembly composed of all persons who are actual residents of the Barangay for at least six (6) months, fifteen(15) years of age or over, citizens of the Philippines, and duly registered in the list of Barangay

assembly members.

- (b) The Barangay assembly shall meet at least twice a year to hear and discuss the semestral report of the Sangguniang Barangay concerning its activities and finances as well as problems affecting the Barangay. Its meetings shall be held upon call of the Punong Barangay or of at least four (4) members of the Sangguniang Barangay, or upon written petition of at least five percent (5%) of the assembly members.
- (c) No meeting of the Barangay assembly shall take place unless a written notice is given one (1) week prior to the meeting except on matters involving public safety or security, in which case notice within a reasonable time shall be sufficient. The Punong Barangay, or in his absence, the Sangguniang Barangay member acting as Punong Barangay, or any assembly member selected during the meeting, shall act as presiding officer in all the meetings of the assembly. The Barangay secretary, or in his absence, any member designated by the presiding officer to act as secretary, shall discharge the duties of secretary of the Barangay assembly.

**SECTION 398.** Powers of the Barangay Assembly. - The Barangay assembly shall:

- (a) Initiate legislative processes by recommending to the Sangguniang Barangay the adoption of measures for the welfare of the Barangay and the city or municipality concerned;
- (b) Decide on the adoption of initiative as a legal process whereby the registered voters of the Barangay may directly propose, enact, or amend any ordinance; and
- (c) Hear and pass upon the semestral report of the Sangguniang Barangay concerning its activities and finances.

## **CHAPTER 7 - KATARUNGANG PAMBARANGAY**

**SECTION 399.** Lupong Tagapamayapa. - (a) There is hereby created in each Barangay a Lupong Tagapamayapa, hereinafter referred to as the lupon, composed of the Punong Barangay as chairman and ten(10) to twenty (20) members. The lupon shall be constituted every three (3) years in the manner provided herein.

- (b) Any person actually residing or working in the Barangay, not otherwise expressly disqualified by law, and possessing integrity, impartiality, independence of mind, sense of fairness, and reputation for probity, may be appointed a member of the lupon.
- (c) A notice to constitute the lupon, which shall include the names of proposed members who have expressed their willingness to serve, shall be prepared by the Punong Barangay within the first fifteen (15) days from the start of his term of office. Such notice shall be posted in three (3) conspicuous places in the Barangay continuously for a period of not less than three(3) weeks;
- (d) The Punong Barangay, taking into consideration any opposition to the proposed appointment or any recommendations for appointments as may have been made within the period of posting, shall within ten (10) days thereafter, appoint as members those whom he determines to be suitable therefor. Appointments shall be in writing, signed by the Punong Barangay, and attested to by the Barangay secretary.
- (e) The list of appointed members shall be posted in three (3) conspicuous places in the Barangay for the entire duration of their term of office; and
- (f) In Barangays where majority of the inhabitants are members of indigenous cultural



communities, local systems of es through their councils of datu or elders shall be recognized without prejudice to the applicable provisions of this Code.

**SECTION 400.** Oath and Term of Office. - Upon appointment, each lupon member shall take an oath of office before the Punong Barangay. He shall hold office until a new lupon is constituted on the third year following his appointment unless sooner terminated by resignation, transfer of residence or place of work, or withdrawal of appointment by the Punong Barangay with the concurrence of the majority of all the members of the lupon.

**SECTION 401.** Vacancies. - Should a vacancy occur in the lupon for any cause, the Punong Barangay shall immediately appoint a qualified person who shall hold office only for the unexpired portion of the term.

**SECTION 402.** Functions of the Lupon. - The lupon shall:

- (a) Exercise administrative supervision over the conciliation panels provided herein;
- (b) Meet regularly once a month to provide a forum for exchange of ideas among its members and the public on matters relevant to the amicable settlement of disputes, and to enable various conciliation panel members to share with one another their observations and experiences in effecting speedy resolution of disputes; and
- (c) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

**SECTION 403.** Secretary of the Lupon. - The Barangay secretary shall concurrently serve as the secretary of the lupon. He shall record the results of mediation proceedings before the Punong Barangay and shall submit a report thereon to the proper city or municipal courts. He shall also receive and keep the records of proceedings submitted to him by the various conciliation panels.

**SECTION 404.** Pangkat ng Tagapagkasundo. - (a) There shall be constituted for each dispute brought before the lupon a conciliation panel to be known as the pangkat ng tagapagkasundo, hereinafter referred to as the pangkat, consisting of three (3) members who shall be chosen by the parties to the dispute from the list of members of the lupon.

Should the parties fail to agree on the pangkat membership, the same shall be determined by lots drawn by the lupon chairman.

- (b) The three (3) members constituting the pangkat shall elect from among themselves the chairman and the secretary. The secretary shall prepare the minutes of the pangkat proceedings and submit a copy duly attested to by the chairman to the lupon secretary and to the proper city or municipal court. He shall issue and cause to be served notices to the parties concerned.

The lupon secretary shall issue certified true copies of any public record in his custody that is not by law otherwise declared confidential.

**SECTION 405.** Vacancies in the Pangkat. - Any vacancy in the pangkat shall be chosen by the parties to the dispute from among the other lupon members. Should the parties fail to agree on a common choice, the vacancy shall be filled by lot to be drawn by the lupon chairman.

**SECTION 406.** Character of Office and Service of Lupon Members. -(a) The lupon members, while in the performance of their official duties or on the occasion thereof, shall be deemed as persons in authority, as defined in the Revised Penal Code.

- (b) The lupon or pangkat members shall serve without compensation, except as provided for in Section 393 and without prejudice to incentives as provided for in this Section and in Book IV of this Code. The Department of the Interior and Local Government shall provide for a system of granting economic or other incentives to the lupon or pangkat members who adequately demonstrate the ability to judiciously and expeditiously resolve cases referred to them. While in the performance of their duties, the lupon or pangkat members, whether in public or private employment, shall be deemed to be on official time, and shall not suffer from any diminution in compensation or allowance from said employment by reason thereof.

**SECTION 407.** Legal Advice on Matters Involving Questions of Law. - The provincial, city legal officer or prosecutor or the municipal legal officer shall render legal advice on matters involving questions of law to the Punong Barangay or any lupon or pangkat member whenever necessary in the exercise of his functions in the administration of the katarungang pamBarangay.

**SECTION 408.** Subject Matter for Amicable Settlement; Exception Thereto. - The lupon of each Barangay shall have authority to bring together the parties actually residing in the same city or municipality for amicable settlement of all disputes except:

- (a) Where one party is the government, or any subdivision or instrumentality thereof;
- (b) Where one party is a public officer or employee, and the dispute relates to the performance of his official functions;
- (c) Offenses punishable by imprisonment exceeding one (1) year or a fine exceeding Five thousand pesos (Php5,000.00);
- (d) Offenses where there is no private offended party;
- (e) Where the dispute involves real properties located in different cities or municipalities unless the parties thereto agree to submit their differences to amicable settlement by an appropriate lupon;
- (f) Disputes involving parties who actually reside in Barangays of different cities or municipalities, except where such Barangay units adjoin each other and the parties thereto agree to submit their differences to amicable settlement by an appropriate lupon;
- (c) Such other classes of disputes which the President may determine in the interest of justice or upon the recommendation of the secretary of Justice.

The court in which non-criminal cases not falling within the authority of the lupon under this Code are filed may, at any time before trial, motu proprio refer the case to the lupon concerned for amicable settlement.

**SECTION 409.** Venue. - (a) Disputes between persons actually residing in the same Barangay shall be brought for amicable settlement before the lupon of said Barangay.

- (b) Those involving actual residents of different Barangays within the same city or municipality shall be brought in the Barangay where the respondent or any of the respondents actually resides, at the election of the complainant.
- (c) All disputes involving real property or any interest therein shall be brought in the Barangay where the real property or the larger portion thereof is situated.
- (d) Those arising at the workplace where the contending parties are employed or at the institution where such parties are enrolled for study, shall be brought in the Barangay

where such workplace or institution is located.

Objections to venue shall be raised in the mediation proceedings before the Punong Barangay; otherwise, the same shall be deemed waived. Any legal question which may confront the Punong Barangay in resolving objections to venue herein referred to may be submitted to the secretary of Justice, or his duly designated representative, whose ruling thereon shall be binding.

**SECTION 410.** Procedure for Amicable Settlement. - (a) Who may initiate proceeding - Upon payment of the appropriate filing fee, any individual who has a cause of action against another individual involving any matter within the authority of the lupon may complain, orally or in writing, to the lupon chairman of the Barangay.

- (b) Mediation by lupon chairman - Upon receipt of the complaint, the lupon chairman shall within the next working day summon the respondent(s), with notice to the complainant(s) for them and their witnesses to appear before him for a mediation of their conflicting interests. If he fails in his mediation effort within fifteen (15) days from the first meeting of the parties before him, he shall forthwith set a date for the constitution of the pangkat in accordance with the provisions of this Chapter.
- (c) Suspension of prescriptive period of offenses - While the dispute is under mediation, conciliation, or arbitration, the prescriptive periods for offenses and cause of action under existing laws shall be interrupted upon filing of the complaint with the Punong Barangay. The prescriptive periods shall resume upon receipt by the complainant of the complaint or the certificate of repudiation or of the certification to file action issued by the lupon or pangkat secretary: Provided, however, That such interruption shall not exceed sixty (60) days from the filing of the complaint with the Punong Barangay.
- (d) Issuance of summons; hearing; grounds for disqualification- The pangkat shall convene not later than three (3) days from its constitution, on the day and hour set by the lupon chairman, to hear both parties and their witnesses, simplify issues, and explore all possibilities for amicable settlement. For this purpose, the pangkat may issue summons for the personal appearance of parties and witnesses before it. In the event that a party moves to disqualify any member of the pangkat by reason of relationship, bias, interest, or any other similar grounds discovered after the constitution of the pangkat, the matter shall be resolved by the affirmative vote of the majority of the pangkat whose decision shall be final. Should disqualification be decided upon, the resulting vacancy shall be filled as herein provided for.
- (e) Period to arrive at a settlement - The pangkat shall arrive at a settlement or resolution of the dispute within fifteen (15) days from the day it convenes in accordance with this section. This period shall, at the discretion of the pangkat, be extendible for another period which shall not exceed fifteen (15) days, except in clearly meritorious cases.

**SECTION 411.** Form of Settlement. - All amicable settlements shall be in writing, in a language or dialect known to the parties, signed by them, and attested to by the lupon chairman or the pangkat chairman, as the case may be. When the parties to the dispute do not use the same language or dialect, the settlement shall be written in the language or dialect known to them.

**SECTION 412.** Conciliation. - (a) Pre-condition to Filing of Complaint in Court. - No complaint, petition, action, or proceeding involving any matter within the authority of the lupon shall be filed or instituted directly in court or any other government office for adjudication, unless there has been a confrontation between the parties before the lupon chairman or the pangkat, and that no conciliation or settlement has been reached as certified by the lupon secretary or pangkat secretary as attested to by the lupon or pangkat chairman or unless the settlement has been repudiated by the parties thereto.

(b) Where Parties May Go Directly to Court. - The parties may go directly to court in the following instances:

- (1) Where the accused is under detention;
- (2) Where a person has otherwise been deprived of personal liberty calling for habeas corpus proceedings;
- (3) Where actions are coupled with provisional remedies such as preliminary injunction, attachment, delivery of personal property, and support pendente lite; and
- (4) Where the action may otherwise be barred by the statute of limitations.

(c) Conciliation among members of indigenous cultural communities. - The customs and traditions of indigenous cultural communities shall be applied in settling disputes between members of the cultural communities.

**SECTION 413. Arbitration.** - (a) The parties may, at any stage of the proceedings, agree in writing that they shall abide by the arbitration award of the lupon chairman or the pangkat. Such agreement to arbitrate may be repudiated within five (5) days from the date thereof for the same grounds and in accordance with the procedure hereinafter prescribed. The arbitration award shall be made after the lapse of the period for repudiation and within ten (10) days thereafter.

(b) The arbitration award shall be in writing in a language or dialect known to the parties. When the parties to the dispute do not use the same language or dialect, the award shall be written in the language or dialect known to them.

**SECTION 414. Proceedings Open to the Public; Exception.** - All proceedings for settlement shall be public and informal: Provided, however, That the lupon chairman or the pangkat chairman, as the case may be, may motu proprio or upon request of a party, exclude the public from the proceedings in the interest of privacy, decency, or public morals.

**SECTION 415. Appearance of Parties in Person.** - In all katarungang pamBarangay proceedings, the parties must appear in person without the assistance of counsel or representative, except for minors and incompetents who may be assisted by their next-of-kin who are not lawyers.

**SECTION 416. Effect of Amicable Settlement and Arbitration Award.** - The amicable settlement and arbitration award shall have the force and effect of a final judgment of a court upon the expiration of ten (10) days from the date thereof, unless repudiation of the settlement has been made or a petition to nullify the award has been filed before the proper city or municipal court.

However, this provision shall not apply to court cases settled by the lupon under the last paragraph of section 408 of this Code, in which case the compromise settlement agreed upon by the parties before the lupon chairman or the pangkat chairman shall be submitted to the court and upon approval thereof, have the force and effect of a judgment of said court.

**SECTION 417. Execution.** - The amicable settlement or arbitration award may be enforced by execution by the lupon within six (6) months from the date of the settlement. After the lapse of such time, the settlement may be enforced by action in the appropriate city or municipal court.

**SECTION 418. Repudiation.** - Any party to the dispute may, within ten (10) days from the date of the settlement, repudiate the same by filing with the lupon chairman a statement to that effect sworn to before him, where the consent is vitiated by fraud, violence, or intimidation. Such

repudiation shall be sufficient basis for the issuance of the certification for filing a complaint as hereinabove provided.

**SECTION 419.** Transmittal of Settlement and Arbitration Award to the Court. - The secretary of the lupon shall transmit the settlement or the arbitration award to the appropriate city or municipal court within five (5) days from the date of the award or from the lapse of the ten-day period repudiating the settlement and shall furnish copies thereof to each of the parties to the settlement and the lupon chairman.

**SECTION 420.** Power to Administer Oaths. - The Punong Barangay, as chairman of the Lupong Tagapamayapa, and the members of the pangkat are hereby authorized to administer oaths in connection with any matter relating to all proceedings in the implementation of the katarungang pamBarangay.

**SECTION 421.** Administration; Rules and Regulations. - The city or municipal mayor, as the case may be, shall see to the efficient and effective implementation and administration of the katarungang pamBarangay. The secretary of Justice shall promulgate the rules and regulations necessary to implement this Chapter.

**SECTION 422.** Appropriations. - Such amount as may be necessary for the effective implementation of the katarungang pamBarangay shall be provided for in the annual budget of the city or municipality concerned.

## **CHAPTER 8 - SANGGUNIANG KABATAAN**

**SECTION 423.** Creation and Election. - (a) There shall be in every Barangay a Sangguniang Kabataan to be composed of a chairman, seven (7) members, a secretary, and a treasurer.

(b) A Sangguniang Kabataan official who, during his term of office, shall have passed the age of twenty-one (21) years shall be allowed to serve the remaining portion of the term for which he was elected.

**SECTION 424.** Katipunan ng Kabataan. - The katipunan ng kabataan shall be composed of all citizens of the Philippines actually residing in the Barangay for at least six (6) months, who are fifteen (15) but not more than twenty-one (21) years of age, and who are duly registered in the list of the Sangguniang Kabataan or in the official Barangay list in the custody of the Barangay secretary.

**SECTION 425.** Meetings of the Katipunan ng Kabataan. - The katipunan ng kabataan shall meet at least once every three (3) months, or at the call of the chairman of the Sangguniang Kabataan or upon written petition of at least one-twentieth(1/20) of its members, to decide on important issues affecting the youth of the Barangay .

**SECTION 426.** Powers and Functions of the Sangguniang Kabataan. - The Sangguniang Kabataan shall:

- (a) Promulgate resolutions necessary to carry out the objectives of the youth in the Barangay in accordance with the applicable provisions of this Code;
- (b) Initiate programs designed to enhance the social, political, economic, cultural, intellectual, moral, spiritual, and physical development of the members;
- (c) Hold fund-raising activities, the proceeds of which shall be tax-exempt and shall accrue to the general fund of the Sangguniang Kabataan: Provided, however, That in the appropriation thereof, the specific purpose for which such activity has been held shall be first satisfied;

- (d) Create such bodies or committees as it may deem necessary to effectively carry out its programs and activities;
- (e) Submit annual and end-of-term reports to the Sangguniang Barangay on their projects and activities for the survival and development of the youth in the Barangay ;
- (f) Consult and coordinate with all youth organizations in the Barangay for policy formulation and program implementation;
- (g) Coordinate with the appropriate national agency for the implementation of youth development projects and programs at the national level;
- (h) Exercise such other powers and perform such other duties and functions as the Sangguniang Barangay may determine or delegate or as may be prescribed by law or ordinance.

**SECTION 427.** Meetings of the Sangguniang Kabataan. - The Sangguniang Kabataan shall meet regularly once a month on the date, time, and place to be fixed by the said sanggunian. Special meetings may be called by the Sangguniang Kabataan chairman or any three (3) of its members by giving written notice to all members of the date, time, place, and agenda of the meeting at least one (1) day in advance. Notices of regular or special meetings shall be furnished the Punong Barangay and the Sangguniang Barangay .

A majority of the members of the Sangguniang Kabataan shall constitute a quorum.

**SECTION 428.** Qualifications. - An elective official of the Sangguniang Kabataan must be a citizen of the Philippines, a qualified voter of the katipunan ng kabataan, a resident of the Barangay for at least one (1) year immediately prior to election, at least fifteen (15) years but not more than twenty-one (21) years of age on the day of his election, able to read and write Filipino, English, or the local dialect, and must not have been convicted of any crime involving moral turpitude.

**SECTION 429.** Term of Office. - The Sangguniang Kabataan chairman and members shall hold office for a period of three (3) years, unless sooner removed for cause as provided by law, permanently incapacitated, die or resign from office.

**SECTION 430.** Sangguniang Kabataan Chairman. - The registered voters of the katipunan ng kabataan shall elect the chairman of the Sangguniang Kabataan who shall automatically serve as an ex-officio member of the Sangguniang Barangay upon his assumption to office. As such, he shall exercise the same powers, discharge the same duties and functions, and enjoy the same privileges as the regular Sangguniang Barangay members, and shall be the chairman of the committee on youth and sports development in the said sanggunian.

**SECTION 431.** Powers and Duties of the Sangguniang Kabataan Chairman. - In addition to the duties which may be assigned to him by the Sangguniang Barangay, the Sangguniang Kabataan chairman shall:

- (a) Call and preside over all meetings of the katipunan ng kabataan and the Sangguniang Kabataan;
- (b) Implement policies, programs, and projects within his jurisdiction in coordination with the Sangguniang Barangay ;
- (c) Exercise general supervision over the affairs and activities of the Sangguniang Kabataan and the official conduct of its members, and such other officers of the Sangguniang

Kabataan within his jurisdiction;

- (d) With the concurrence of the Sangguniang Kabataan, appoint from among the members of the Sangguniang Kabataan, the secretary and treasurer, and such other officers as may be deemed necessary; and
- (e) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

**SECTION 432.** Sangguniang Kabataan Secretary. - The Sangguniang Kabataan secretary shall :

- (a) Keep all records of the katipunan ng kabataan and Sangguniang Kabataan;
- (b) Prepare and keep the minutes of all meetings of the katipunan ng kabataan and Sangguniang Kabataan;
- (c) Prepare all forms necessary for the conduct of registrations, elections, initiatives, referenda, or plebiscites, in coordination with the Barangay secretary and the Comelec; and
- (d) Perform such other duties and discharge such other functions as the chairman of the Sangguniang Kabataan may prescribe or direct.

**SECTION 433.** Sangguniang Kabataan Treasurer. - The Sangguniang Kabataan treasurer shall:

- (a) Take custody of all Sangguniang Kabataan property and funds not otherwise deposited with the city or municipal treasurer;
- (b) Collect and receive contributions, monies, materials, and all other resources intended for the Sangguniang Kabataan and katipunan ng kabataan;
- (c) Disburse funds in accordance with an approved budget of the Sangguniang Kabataan;
- (d) Certify to the availability of funds whenever necessary;
- (e) Submit to the Sangguniang Kabataan and to the Sangguniang Barangay certified and detailed statements of actual income and expenditures at the end of every month; and
- (f) Perform such other duties and discharge such other functions as the chairman of the Sangguniang Kabataan may direct.

**SECTION 434.** Privileges of Sangguniang Kabataan Officials. - The Sangguniang Kabataan chairman shall have the same privileges enjoyed by other Sangguniang Barangay officials under this Code subject to such requirements and limitations provided herein. During their incumbency, Sangguniang Kabataan officials shall be exempt from payment of tuition and matriculation fees while enrolled in public tertiary schools, including state colleges and universities. The national government shall reimburse said college or university the amount of the tuition and matriculation fees: Provided, That, to qualify for the privilege, the said officials shall enroll in the state college or university within or nearest their area of jurisdiction

**SECTION 435.** Succession and Filling of Vacancies. - (a) In case a Sangguniang Kabataan chairman refuses to assume office, fails to qualify, is convicted of a felony, voluntarily resigns, dies, is permanently incapacitated, is removed from office, or has been absent without leave for more than three (3) consecutive months, the Sangguniang Kabataan member who obtained the

next highest number of votes in the election immediately preceding shall assume the office of the chairman for the unexpired portion of the term, and shall discharge the powers and duties, and enjoy the rights and privileges appurtenant to the office. In case the said member refuses to assume the position or fails to qualify, the sanggunian member obtaining the next highest number of votes shall assume the position of the chairman for the unexpired portion of the term.

- (b) Where two (2) or more Sangguniang Kabataan members obtained the same next highest number of votes, the other Sangguniang Kabataan members shall conduct an election to choose the successor to the chairman from among the said members.
- (c) After the vacancy shall have been filled, the Sangguniang Kabataan chairman shall call a special election to complete the membership of said sanggunian. Such Sangguniang Kabataan member shall hold office for the unexpired portion of the term of the vacant seat.
- (d) In case of suspension of the Sangguniang Kabataan chairman, the successor, as determined in subsections (a) and (b) of this section shall assume the position during the period of such suspension.

## **CHAPTER 9 - PEDERASYON NG MGA SANGGUNIANG KABATAAN**

**SECTION 436.** Pederasyon ng mga Sangguniang Kabataan. - (a) There shall be an organization of all the pederasyon ng mga Sangguniang Kabataan to be known as follows:

- (1) in municipalities, pambayang pederasyon ng mga Sangguniang Kabataan;
  - (2) in cities, panlungsod na pederasyon ng mga Sangguniang Kabataan;
  - (3) in provinces, panlalawigang pederasyon ng mga Sangguniang Kabataan;
  - (4) in special metropolitan political subdivisions, pangmetropolitang pederasyon ng mga Sangguniang Kabataan; and
  - (5) on the national level, pambansang pederasyon ng mga Sangguniang Kabataan.
- (b) The pederasyon ng mga Sangguniang Kabataan shall, at all levels, elect from among themselves the president, vice-president and such other officers as may be necessary and shall be organized in the following manner:
- 1. The panlungsod and pambayang pederasyon shall be composed of the Sangguniang Kabataan chairmen of Barangays in the city or municipality, respectively;
  - 2. The panlalawigang pederasyon shall be composed of presidents of the panlungsod and pambayang pederasyon;
  - 3. The pangmetropolitang pederasyon shall be composed of presidents of the panlungsod and pambayang pederasyon;
- (c) The elected presidents of the pederasyon at the provincial, highly urbanized city, and metropolitan political subdivision levels shall constitute the pambansang katipunan ng mga Sangguniang Kabataan.

**SECTION 437.** Constitution and By-Laws. - The term of office, manner of election, removal and suspension of the officers of the pederasyon ng mga Sangguniang Kabataan at all levels shall be governed by the constitution and by-laws of the pederasyon in conformity with the provisions of this Code and national policies on youth.



**SECTION 438.** Membership in the Sanggunian. - (a) A Sangguniang Kabataan chairman shall, upon certification of his election by the Comelec and during his tenure of office is elected as pederasyon president, serve as an ex-officio member of the Sanggunian Panlalawigan, Sangguniang Panlungsod, and Sangguniang Bayan, as the case may be, without need of further appointment.

(b) The vice-president of the pederasyon whose president has been elected as president of a higher pederasyon shall serve as ex-officio member of the sanggunian concerned without need of further appointment.

(c) The pederasyon president or vice-president, as the case may be, shall be the chairman of the committee on youth and sports development of the sanggunian concerned.

## **CHAPTER 10 - LINGGO NG KABATAAN**

**SECTION 439.** Observance of Linggo ng Kabataan. - (a) Every Barangay, municipality, city and province shall, in coordination with the pederasyon ng mga Sangguniang Kabataan at all levels, conduct an annual activity to be known as the Linggo ng Kabataan on such date as shall be determined by the Office of the President.

(b) The observance of the Linggo ng Kabataan shall include the election of the counterparts of all local elective and appointive officials, as well as heads of national offices or agencies stationed or assigned in the territorial jurisdiction of the local government unit, among in-school and community youth residing in the local government unit concerned from ages thirteen (13) to seventeen (17). During said week, they shall hold office as boy and girl officials and shall perform such duties and conduct such activities as may be provided in the ordinance enacted pursuant to this Chapter.

## **TITLE TWO. - THE MUNICIPALITY**

### **CHAPTER 1 - ROLE AND CREATION OF THE MUNICIPALITY**

**SECTION 440.** Role of the Municipality. - The municipality, consisting of a group of Barangays, serves primarily as a general purpose government for the coordination and delivery of basic, regular and direct services and effective governance of the inhabitants within its territorial jurisdiction.

**SECTION 441.** Manner of Creation. - A municipality may be created, divided, merged, abolished, or its boundary substantially altered only by an Act of Congress and subject to the approval by a majority of the votes cast in a plebiscite to be conducted by the Comelec in the local government unit or units directly affected. Except as may otherwise be provided in the said Act, the plebiscite shall be held within one hundred twenty (120) days from the date of its effectivity.

**SECTION 442.** Requisites for Creation. - (a) A municipality may be created if it has an average annual income, as certified by the provincial treasurer, of at least Two million five hundred thousand pesos (P=2,500,000.00) for the last two (2) consecutive years based on the 1991 constant prices; a population of at least twenty-five thousand (25,000) inhabitants as certified by the National Statistics Office; and a contiguous territory of at least fifty (50) square kilometers as certified by the Lands Management Bureau: Provided, That the creation thereof shall not reduce the land area, population or income of the original municipality or municipalities at the time of said creation to less than the minimum requirements prescribed herein.

(b) The territorial jurisdiction of a newly-created municipality shall be properly identified by metes and bounds. The requirement on land area shall not apply where the municipality

proposed to be created is composed of one (1) or more islands. The territory need not be contiguous if it comprises two (2) or more islands.

- (c) The average annual income shall include the income accruing to the general fund of the municipality concerned, exclusive of special funds, transfers and non-recurring income.
- (d) Municipalities existing as of the date of the effectivity of this Code shall continue to exist and operate as such. Existing municipal districts organized pursuant to presidential issuances or executive orders and which have their respective set of elective municipal officials holding office at the time of the effectivity of this Code shall henceforth be considered as regular municipalities.

## **CHAPTER 2 - MUNICIPAL OFFICIALS IN GENERAL**

**SECTION 443.** Officials of the Municipal Government. - (a) There shall be in each municipality a municipal mayor, a municipal vice-mayor, Sangguniang Bayan members, a secretary to the Sangguniang Bayan, a municipal treasurer, a municipal assessor, a municipal accountant, a municipal budget officer, a municipal planning and development coordinator, a municipal engineer/building official, a municipal health officer and a municipal civil registrar.

- (b) In addition thereto, the mayor may appoint a municipal administrator, a municipal legal officer, a municipal agriculturist, a municipal environment and natural resources officer, a municipal social welfare and development officer, a municipal architect, and a municipal information officer.
- (c) The Sangguniang Bayan may:
  - (1) Maintain existing offices not mentioned in subsections (a) and (b) hereof;
  - (2) Create such other offices as may be necessary to carry out the purposes of the municipal government; or
  - (3) Consolidate the functions of any office with those of another in the interest of efficiency and economy.
- (d) Unless otherwise provided herein, heads of departments and offices shall be appointed by the municipal mayor with the concurrence of the majority of all the Sangguniang Bayan members, subject to civil service law, rules and regulations. The Sangguniang Bayan shall act on the appointment within fifteen (15) days from the date of its submission; otherwise, the same shall be deemed confirmed.
- (e) Elective and appointive municipal officials shall receive such compensation, allowances and other emoluments as may be determined by law or ordinance, subject to the budgetary limitations on personal services as prescribed in Title Five, Book Two of this Code: Provided, That no increase in compensation of the mayor, vice-mayor, and Sangguniang Bayan members shall take effect until after the expiration of the full term of all the elective local officials approving such increase.

## **CHAPTER 3 - OFFICIALS AND OFFICES COMMON TO ALL MUNICIPALITIES**

### **Article One. - The Municipal Mayor**

**SECTION 444.** The Chief Executive: Powers, Duties, Functions and Compensation. - (a) The municipal mayor, as the chief executive of the municipal government, shall exercise such powers and perform such duties and functions as provided by this Code and other laws.

- (b) For efficient, effective and economical governance the purpose of which is the general welfare of the municipality and its inhabitants pursuant to section 16 of this Code, the municipal mayor shall:
- (1) Exercise general supervision and control over all programs, projects, services, and activities of the municipal government, and in this connection, shall:
    - (i) Determine the guidelines of municipal policies and be responsible to the Sangguniang Bayan for the program of government;
    - (ii) Direct the formulation of the municipal development plan, with the assistance of the municipal development council, and upon approval thereof by the Sangguniang Bayan, implement the same;
    - (iii) At the opening of the regular session of the Sangguniang Bayan for every calendar year and, as may be deemed necessary, present the program of government and propose policies and projects for the consideration of the Sangguniang Bayan as the general welfare of the inhabitants and the needs of the municipal government may require;
    - (iv) Initiate and propose legislative measures to the Sangguniang Bayan and, from time to time as the require, provide such information and data needed or requested by said sanggunian in the performance of its legislative functions; Appoint all officials and employees whose salaries and wages are wholly or mainly paid out of municipal funds and whose appointments are not otherwise provided for in this Code, as well as those he may be authorized by law to appoint; situation may
    - (v) Appoint all officials and employees whose salaries and wages are wholly or mainly paid out of municipal funds and whose appointments are not otherwise provided for in this Code, as well as those he may authorized by law to appoint;
    - (vi) Upon authorization by the Sangguniang Bayan, represent the municipality in all its business transactions and sign on its behalf all bonds, contracts, and obligations, and such other documents made pursuant to law or ordinance;
    - (vii) Carry out such emergency measures as may be necessary during and in the aftermath of man-made and natural disasters and calamities;
    - (viii) Determine, according to law or ordinance, the time, manner and place of payment of salaries or wages of the officials and employees of the municipality;
    - (ix) Allocate and assign office space to municipal and other officials and employees who, by law or ordinance, are entitled to such space in the municipal hall and other buildings owned or leased by the municipal government;
    - (x) Ensure that all executive officials and employees of the municipality faithfully discharge their duties and functions as provided by law and this Code, and cause to be instituted administrative or judicial proceedings against any official or employee of the municipality who may have committed an offense in the performance of his official duties;
    - (xi) Examine the books, records and other documents of all offices, officials, agents or employees of the municipality and in aid of his executive powers and authority, require all national officials and employees stationed in or assigned to the municipality to make available to him such books, records, and other documents

in their custody, except those classified by law as confidential;

- (xii) Furnish copies of executive orders issued by him to the provincial governor within seventy-two (72) hours after their issuance: Provided, That municipalities of Metropolitan Manila Area and that of any metropolitan political subdivision shall furnish copies of said executive orders to the metropolitan authority council chairman and to the Office of the President;
  - (xiii) Visit component Barangays of the municipality at least once every six (6) months to deepen his understanding of problems and conditions therein, listen and give appropriate counsel to local officials and inhabitants, inform the component Barangay officials and inhabitants of general laws and ordinances which especially concern them, and otherwise conduct visits and inspections to the end that the governance of the municipality will improve the quality of life of the inhabitants;
  - (xiv) Act on leave applications of officials and employees appointed by him and the commutation of the monetary value of leave credits according to law;
  - (xv) Authorize official trips outside of the municipality of municipal officials and employees for a period not exceeding thirty (30) days;
  - (xvi) Call upon any national official or employee stationed in or assigned to the municipality to advise him on matters affecting the municipality and to make recommendations thereon, or to coordinate in the formulation and implementation of plans, programs and projects, and when appropriate, initiate an administrative or judicial action against a national government official or employee who may have committed an offense in the performance of his official duties while stationed in or assigned to the local government unit concerned;
  - (xvii) Subject to availability of funds, authorize payment of medical care, necessary transportation, subsistence, hospital or medical fees of municipal officials and employees who are injured while in the performance of their official duties and functions;
  - (xviii) Solemnize marriages, any provision of law to the contrary notwithstanding;
  - (xix) Conduct a palarong bayan, in coordination with the Department of Education, Culture and Sports, as an annual activity which shall feature traditional sports and disciplines included in national and international games; and
  - (xx) Submit to the provincial governor the following reports: an annual report containing a summary of all matters pertaining to the management, administration and development of the municipality and all information and data relative to its political, social and economic conditions; and supplemental reports when unexpected events and situations arise at any time during the year, particularly when man-made or natural disasters or calamities affect the general welfare of the municipality, province, region or country. Mayors of municipalities of the Metropolitan Manila Area and other metropolitan political subdivisions shall submit said reports to their respective metropolitan council chairmen and to the Office of the President;
- (2) Enforce all laws and ordinances relative to the governance of the municipality and the exercise of its corporate powers provided for under Section 22 of this Code, implement all approved policies, programs, projects, services and activities of the municipality and, in addition to the foregoing, shall:

- (j) Ensure that the acts of the municipality's component Barangays and of its officials and employees are within the scope of their prescribed powers, functions, duties and responsibilities;
  - (ii) Call conventions, conferences, seminars or meetings of any elective and appointive officials of the municipality, including provincial officials and national officials and employees stationed in or assigned to the municipality at such time and place and on such subject as he may deem important for the promotion of the general welfare of the local government unit and its inhabitants;
  - (iii) Issue such executive orders as are necessary for the proper enforcement and execution of laws and ordinances;
  - (iv) Be entitled to carry the necessary firearm within his territorial jurisdiction;
  - (v) Act as the deputized representative of the National Police Commission, formulate the peace and order plan of the municipality and upon its approval, implement the same and exercise general and operational control and supervision over the local police forces in the municipality in accordance with R.A. No. 6975;
  - (vi) Call upon the appropriate law enforcement agencies to suppress disorder, riot, lawless violence, sedition or to apprehend violators of the law when public interest so requires and the municipal police forces are inadequate to cope with the situation or the violators; rebellion or
- (3) Initiate and maximize the generation of resources and revenues, and apply the same to the implementation of development plans, program objectives and priorities as provided for under Section 18 of this Code, particularly those resources and revenues programmed for agro-industrial development and country-wide growth and progress, and relative thereto, shall:
- (i) Require each head of an office or department to prepare and submit an estimate of appropriations for the ensuing calendar year, in accordance with the budget preparation process under Title Five, Book II of this Code;
  - (ii) Prepare and submit to the sanggunian for approval the executive and supplemental budgets of the municipality for the ensuing calendar year in the manner provided for under Title Five, Book II of this Code;
  - (iii) Ensure that all taxes and other revenues of the municipality are collected, and that municipal funds are applied in accordance with law or ordinance to the payment of expenses and settlement of obligations of the municipality;
  - (iv) Issue licenses and permits and suspend or revoke the same for any violation of the conditions upon which said licenses or permits had been issued, pursuant to law or ordinance;
  - (v) Issue permits, without need of approval therefor from any national agency, for the holding of activities for any charitable or welfare purpose, excluding prohibited games of chance or shows contrary to law, public policy and public morals;
  - (vi) Require owners of illegally constructed houses, buildings or other structures

to obtain the necessary permit, subject to such fines and penalties as may be imposed by law or ordinance, or to make necessary changes in the construction of the same when said construction violates any law or ordinance, or to order the demolition or removal of said house, building or structure within the period prescribed by law or ordinance;

(vii) Adopt adequate measures to safeguard and conserve land, mineral, marine, forest, and other resources of the municipality; provide efficient and effective property and supply management in the municipality; and protect the funds, credits, rights and other properties of the municipality; and

(viii) Institute or cause to be instituted administrative or judicial proceedings for violation of ordinances in the collection of taxes, fees or charges, and for the recovery of funds and property; and cause the municipality to be defended against all suits to ensure that its interests, resources and rights shall be adequately protected;

- (4) Ensure the delivery of basic services and the provision of adequate facilities as provided for under Section 17 of this Code and, in addition thereto, shall:
- (j) Ensure that the construction and repair of roads and highways funded by the national government shall be, as far as practicable, carried out in a spatially contiguous manner and in coordination with the construction and repair of the roads and bridges of the municipality and the province; and
  - (ii) Coordinate the implementation of technical services rendered by national and provincial offices, including public works and infrastructure programs in the municipality; and
- (5) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.
- (c) During his incumbency, the municipal mayor shall hold office in the municipal hall.
- (d) The municipal mayor shall receive a minimum monthly compensation corresponding to Salary Grade twenty-seven (27) as prescribed under R.A. No. 6758 and the implementing guidelines issued pursuant thereto.

## **Article Two. - The Vice Mayor**

**SECTION 445. Powers, Duties and Compensation.-** (a) The vice-mayor shall:

- (1) Be the presiding officer of the Sangguniang Bayan and sign all warrants drawn on the municipal treasury for all expenditures appropriated for the operation of the Sangguniang Bayan;
- (2) Subject to civil service law, rules and regulations, appoint all officials and employees of the Sangguniang Bayan, except those whose manner of appointment is specifically provided in this Code;
- (3) Assume the office of the municipal mayor for the unexpired term of the latter in the event of permanent vacancy as provided for in section 44, Book I of this Code;
- (4) Exercise the powers and perform the duties and functions of the municipal mayor in cases of temporary vacancy as provided for in section 46, Book I of this Code; and,

- (5) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.
- (b) The vice-mayor shall receive a monthly compensation corresponding to Salary Grade twenty five (25) as prescribed under R.A. No. 6758 and the implementing guidelines issued pursuant thereto.

### **Article Three. - The Sangguniang Bayan**

**SECTION 446. Composition.** - (a) The Sangguniang Bayan, the legislative body of the municipality, shall be composed of the municipal vice-mayor as the presiding officer, the regular sanggunian members, the president of the municipal chapter of the liga ng mga Barangay, the president of the pambayang pederasyon ng mga Sangguniang Kabataan, and the sectoral representatives, as members.

- (b) In addition thereto, there shall be three (3) sectoral representatives: one (1) from the women; and, as shall be determined by the sanggunian concerned within ninety (90) days prior to the holding of local elections, one (1) from the agricultural or industrial workers; and one (1) from the other sectors, including the urban poor, indigenous cultural communities, or disabled persons.
- (c) The regular members of the Sangguniang Bayan and the sectoral representatives shall be elected in the manner as may be provided for by law.

**SECTION 447. - Powers, Duties, Functions and Compensation.** - (a) The Sangguniang Bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to section 16 of this Code and in the proper exercise of the corporate powers of the municipality as provided for under section 22 of this Code, and shall:

- (1) Approve ordinances and pass resolutions necessary for an efficient and effective municipal government, and in this connection shall:
  - (i) Review all ordinances approved by the Sangguniang Barangay and executive orders issued by the Punong Barangay to determine whether these are within the scope of the prescribed powers of the sanggunian and of the Punong Barangay;
  - (ii) Maintain peace and order by enacting measures to prevent and suppress lawlessness, disorder, riot, violence, rebellion or sedition and impose penalties for the violation of said ordinances;
  - (iii) Approve ordinances imposing a fine not exceeding Two thousand five hundred pesos (P=2,500.00) or an imprisonment for a period not exceeding six (6) months, or both in the discretion of the court, for the violation of a municipal ordinance;
  - (iv) Adopt measures to protect the inhabitants of the municipality from the harmful effects of man-made or natural disasters and calamities and to provide relief services and assistance for victims during and in the aftermath of said disasters or calamities and their return to productive livelihood following said events;
  - (v) Enact ordinances intended to prevent, suppress and impose appropriate penalties for habitual drunkenness in public places, vagrancy, mendicancy, prostitution, establishment and maintenance of houses of ill repute, gambling and other prohibited games of chance, fraudulent devices and ways to obtain money or property, drug addiction, maintenance of drug dens, drug pushing, juvenile

delinquency, the printing, distribution or exhibition of obscene or pornographic materials or publications, and such other activities inimical to the welfare and morals of the inhabitants of the municipality;

- (vi) Protect the environment and impose appropriate penalties for acts which endanger the environment, such as dynamite fishing and other forms of destructive fishing, illegal logging and smuggling of logs, smuggling of natural resources products and of endangered species of flora and fauna, slash and burn farming, and such other activities which result in pollution, acceleration of eutrophication of rivers and lakes, or of ecological imbalance;
  - (vii) Subject to the provisions of this Code and pertinent laws, determine the powers and duties of officials and employees of the municipality;
  - (viii) Determine the positions and the salaries, wages, allowances and other emoluments and benefits of officials and employees paid wholly or mainly from municipal funds and provide for expenditures necessary for the proper conduct of programs, projects, services, and activities of the municipal government;
  - (ix) Authorize the payment of compensation to a qualified person not in the government service who fills up a temporary vacancy or grant honorarium to any qualified official or employee designated to fill a temporary vacancy in a concurrent capacity, at the rate authorized by law;
  - (x) Provide a mechanism and the appropriate funds therefor, to ensure the safety and protection of all municipal government property, public documents, or records such as those relating to property inventory, land ownership, records of births, marriages, deaths, assessments, taxation, accounts, business permits, and such other records and documents of public interest in the offices and departments of the municipal government;
  - (xi) When the finances of the municipal government allow, provide for additional allowances and other benefits to judges, prosecutors, public elementary and high school teachers, and other national government officials stationed in or assigned to the municipality;
  - (xii) Provide for legal assistance to Barangay officials who, in the performance of their official duties or on the occasion thereof, have to initiate judicial proceedings or defend themselves against legal action; and,
  - (xiii) Provide for group insurance or additional insurance coverage for Barangay officials, including members of Barangay tanod brigades and other service units, with public or private insurance companies, when the finances of the municipal government allow said coverage.
- (2) Generate and maximize the use of resources and revenues for the development plans, program objectives and priorities of the municipality as provided for under section 18 of this Code with particular attention to agro-industrial development and countryside growth and progress, and relative thereto, shall:
- (j) Approve the annual and supplemental budgets of the municipal government and appropriate funds for specific programs, projects, services and activities of the municipality, or for other purposes not contrary to law, in order to promote the general welfare of the municipality and its inhabitants;
  - (ii) Subject to the provisions of Book II of this Code and applicable laws and upon



the majority vote of all the members of the Sangguniang Bayan, enact ordinances levying taxes, fees and charges, prescribing the rates thereof for general and specific purposes, and granting tax exemptions, incentives or reliefs;

- (iii) Subject to the provisions of Book II of this Code and upon the majority vote of all the members of the Sangguniang Bayan, authorize the municipal mayor to negotiate and contract loans and other forms of indebtedness;
- (iv) Subject to the provisions of Book II of this Code and applicable laws and upon the majority vote of all the members of the Sangguniang Bayan, enact ordinances authorizing the floating of bonds or other instruments of indebtedness, for the purpose of raising funds to finance development projects;
- (v) Appropriate funds for the construction and maintenance or the rental of buildings for the use of the municipality and, upon the majority vote of all the members of the Sangguniang Bayan, authorize the municipal mayor to lease to private parties such public buildings held in a proprietary capacity, subject to existing laws, rules and regulations;
- (vi) Prescribe reasonable limits and restraints on the use of property within the jurisdiction of the municipality;
- (vii) Adopt a comprehensive land use plan for the municipality: Provided, That the formulation, adoption, or modification of said plan shall be in coordination with the approved provincial comprehensive land use plan;
- (viii) Reclassify land within the jurisdiction of the municipality, subject to the pertinent provisions of this Code;
- (ix) Enact integrated zoning ordinances in consonance with the approved comprehensive land use plan, subject to existing laws, rules and regulations; establish fire limits or zones, particularly in populous centers; and regulate the construction, repair or modification of buildings within said fire limits or zones in accordance with the provisions of the Fire Code;
- (x) Subject to national law, process and approve subdivision plans for residential, commercial, or industrial purposes and other development purposes, and collect processing fees and other charges, the proceeds of which shall accrue entirely to the municipality: Provided, however, That, where approval by a national agency or office is required, said approval shall not be withheld for more than thirty (30) days from receipt of the application. Failure to act on the application within the period stated above shall be deemed as approval thereof;
- (xi) Subject to the provisions of Book II of this Code, grant the exclusive privilege of constructing fish corrals or fish pens, or the taking or catching of bangus fry, prawn fry or kawag-kawag or fry of any species or fish within the municipal waters;
- (xii) With the concurrence of at least two-thirds (2/3) of all the members of the Sangguniang Bayan, grant tax exemptions, incentives or reliefs to entities engaged in community growth-inducing industries, subject to the provisions of Chapter 5, Title I, Book II of this Code;
- (xiii) Grant loans or provide grants to other local government units or to national, provincial and municipal charitable, benevolent or educational institutions: Provided, That said institutions are operated and maintained within the

municipality;

- (xiv) Regulate the numbering of residential, commercial and other buildings; and,
  - (xv) Regulate the inspection, weighing and measuring of articles of commerce.
- (3) Subject to the provisions of Book II of this Code, grant franchises, enact ordinances authorizing the issuance of permits or licenses, or enact ordinances levying taxes, fees and charges upon such conditions and for such purposes intended to promote the general welfare of the inhabitants of the municipality, and pursuant to this legislative authority shall:
- (i) Fix and impose reasonable fees and charges for all services rendered by the municipal government to private persons or entities;
  - (ii) Regulate any business, occupation, or practice of profession or calling which does not require government examination within the municipality and the conditions under which the license for said business or practice of profession may be issued or revoked;
  - (iii) Prescribe the terms and conditions under which public utilities owned by the municipality shall be operated by the municipal government or leased to private persons or entities, preferably cooperatives;
  - (iv) Regulate the display of and fix the license fees for signs, signboards, or billboards at the place or places where the profession or business advertised thereby is, in whole or in part, conducted;
  - (v) Any law to the contrary notwithstanding, authorize and license the establishment, operation, and maintenance of cockpits, and regulate cockfighting and commercial breeding of gamecocks: Provided, That existing rights should not be prejudiced;
  - (vi) Subject to the guidelines prescribed by the Department of Transportation and Communications, regulate the operation of tricycles and grant franchises for the operation thereof within the territorial jurisdiction of the municipality;
  - (vii) Upon approval by a majority vote of all the members of the Sangguniang Bayan, grant a franchise to any person, partnership, corporation, or cooperative to establish, construct, operate and maintain ferries, wharves, markets or slaughterhouses, or such other similar activities within the municipality as may be allowed by applicable laws: Provided, That, cooperatives shall be given preference in the grant of such a franchise.
- (4) Regulate activities relative to the use of land, buildings and structures within the municipality in order to promote the general welfare and for said purpose shall:
- (i) Declare, prevent or abate any nuisance;
  - (ii) Require that buildings and the premises thereof and any land within the municipality be kept and maintained in a sanitary condition; impose penalties for any violation thereof, or upon failure to comply with said requirement, have the work done and require the owner, administrator or tenant concerned to pay the expenses of the same; or require the filling up of any land or premises to a grade necessary for proper sanitation;

- (iii) Regulate the disposal of clinical and other wastes from hospitals, clinics and other similar establishments;
  - (iv) Regulate the establishment, operation and maintenance of cafes, restaurants, beerhouses, hotels, motels, inns, pension houses, lodging houses, and other similar establishments, including tourist guides and transports;
  - (v) Regulate the sale, giving away or dispensing of any intoxicating malt, vino, mixed or fermented liquors at any retail outlet;
  - (vi) Regulate the establishment and provide for the inspection of steam boilers or any heating device in buildings and the storage of inflammable and highly combustible materials within the municipality;
  - (vii) Regulate the establishment, operation, and maintenance of entertainment or amusement facilities, including theatrical performances, circuses, billiard pools, public dancing schools, public dance halls, sauna baths, massage parlors, and other places of entertainment or amusement; regulate such other events or activities for amusement or entertainment, particularly those which tend to disturb the community or annoy the inhabitants, or require the suspension or suppression of the same; or, prohibit certain forms of amusement or entertainment in order to protect the social and moral welfare of the community;
  - (viii) Provide for the impounding of stray animals; regulate the keeping of animals in homes or as part of a business, and the slaughter, sale or disposition of the same; and adopt measures to prevent and penalize cruelty to animals; and
  - (ix) Regulate the establishment, operation, and maintenance of funeral parlors and the burial or cremation of the dead, subject to existing laws, rules and regulations.
- (5) Approve ordinances which shall ensure the efficient and effective delivery of the basic services and facilities as provided for under Section 17 of this Code, and in addition to said services and facilities, shall:
- (i) Provide for the establishment, maintenance, protection, and conservation of communal forests and water sheds, tree parks, greenbelts, mangroves, and other similar forest development projects;
  - (ii) Establish markets, slaughterhouses or animal corrals and authorize the operation thereof, and regulate the construction and operation of private markets, talipapas or other similar buildings and structures;
  - (iii) Authorize the establishment, maintenance and operation of ferries, wharves, and other structures, and marine and seashore or offshore activities intended to accelerate productivity;
  - (iv) Regulate the preparation and sale of meat, poultry, fish, vegetables, fruits, fresh dairy products, and other foodstuffs for public consumption;
  - (vi) Regulate the use of streets, avenues, alleys, sidewalks, bridges, parks and other public places and approve the construction, improvement, repair and maintenance of the same; establish bus and vehicle stops and terminals or

regulate the use of the same by privately-owned vehicles which serve the public; regulate garages and the operation of conveyances for hire; designate stands to be occupied by public vehicles when not in use; regulate the putting up of signs, signposts, awnings and awning posts on the streets; and provide for the lighting, cleaning and sprinkling of streets and public places;

- (vii) Regulate traffic on all streets and bridges, prohibit the putting up of encroachments or obstacles thereon, and, when necessary in the interest of public welfare, authorize the removal of encroachments and illegal constructions in public places;
- (vii) Subject to existing laws, provide for the establishment, operation, maintenance, and repair of an efficient waterworks system to supply water for the inhabitants; regulate the construction, maintenance, repair and use of hydrants, pumps, cisterns and reservoirs; protect the purity and quantity of the water supply of the municipality and, for this purpose, extend the coverage of appropriate ordinances over all territory within the drainage area of said water supply and within one hundred (100) meters of the reservoir, conduit, canal, aqueduct, pumping station, or watershed used in connection with the water service; and regulate the consumption, use or wastage of water;
- (viii) Regulate the drilling and excavation of the ground for the laying of water, gas, sewer, and other pipes and the construction, repair and maintenance of public drains, sewers, cesspools, tunnels and similar structures; regulate the placing of poles and the use of crosswalks, curbs, and gutters; adopt measures to ensure public safety against open canals, manholes, live wires and other similar hazards to life and property; and, regulate the construction and use of private water closets, privies and other similar structures in buildings and homes;
- (ix) Regulate the placing, stringing, attaching, installing, repair and construction of all gas mains, electric, telegraph and telephone wires, conduits, meters and other apparatus; and, provide for the correction, condemnation or removal of the same when found to be dangerous, defective or otherwise hazardous to the welfare of the inhabitants;
- (x) Subject to the availability of funds and to existing laws, rules and regulations, establish and provide for the operation of vocational and technical schools and similar post-secondary institutions and, with the approval of the Department of Education, Culture and Sports, fix and collect reasonable fees and other school charges on said institutions, subject to existing laws on tuition fees;
- (xi) Establish a scholarship fund for poor but deserving students residing within the municipality in schools located within its jurisdiction;
- (xii) Approve measures and adopt quarantine regulations to prevent the introduction and spread of diseases;
- (xiii) Provide for an efficient and effective system of solid waste and garbage collection and disposal and prohibit littering and the placing or throwing of garbage, refuse and other filth and wastes;
- (xiv) Provide for the care of paupers, the aged, the sick, persons of unsound

mind, disabled persons, abandoned minors, juvenile delinquents, drug dependents, abused children and other needy and disadvantaged persons, particularly children and youth below eighteen (18) years of age and, subject to availability of funds, establish and provide for the operation of centers and facilities for said needy and disadvantaged persons;

(xv) Establish and provide for the maintenance and improvement of jails and detention centers, institute sound jail management programs, and appropriate funds for the subsistence of detainees and convicted prisoners in the municipality;

(xvi) Establish a municipal council whose purpose is the promotion of culture and the arts, coordinate with government agencies and non-governmental organizations and, subject to the availability of funds, appropriate funds for the support and development of the same; and

(xvii) Establish a municipal council for the elderly which shall formulate policies and adopt measures mutually beneficial to the elderly and to the community; provide incentives for non-governmental agencies and entities and, subject to the availability of funds, appropriate funds to support programs and projects for the benefit of the elderly; and

(6) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

(b) The members of the Sangguniang Bayan shall receive a minimum monthly compensation corresponding to Salary Grade twenty-four (24) as prescribed under R.A. 6758 and the implementing guidelines issued pursuant thereto: Provided, That, in municipalities in the Metropolitan Manila Area and other metropolitan political subdivisions, members of the Sangguniang Bayan shall receive a minimum monthly compensation corresponding to Salary grade twenty-five (25).

### **TITLE THREE. - THE CITY**

#### **CHAPTER 1 - ROLE AND CREATION OF THE CITY**

**SECTION 448.** Role of the City. - The city, consisting of more urbanized and developed Barangays, serves as a general-purpose government for the coordination and delivery of basic, regular, and direct services and effective governance of the inhabitants within its territorial jurisdiction.

**SECTION 449.** Manner of Creation. - A city may be created, divided, merged, abolished, or its boundary substantially altered, only by an Act of Congress, and subject to approval by a majority of the votes cast in a plebiscite to be conducted by the Comelec in the local government unit or units directly affected. Except as may otherwise be provided in such Act, the plebiscite shall be held within one hundred twenty (120) days from the date of its effectivity.

**SECTION 450.** Requisites for Creation. - (a) A municipality or a cluster of Barangays may be converted into a component city if it has an average annual income, as certified by the Department of Finance, of at least Twenty million pesos (Php20,000,000.00) for the last two (2) consecutive years based on 1991 constant prices, and if it has either of the following requisites:

(i) a contiguous territory of at least one hundred (100) square kilometers, as certified by the Lands Management Bureau; or,

(ii) a population of not less than one hundred fifty thousand(150,000)

inhabitants, as certified by the National Statistics Office: Provided, That, the creation thereof shall not reduce the land area, population, and income of the original unit or units at the time of said creation to less than the minimum requirements prescribed herein.

- (b) The territorial jurisdiction of a newly-created city shall be properly identified by metes and bounds. The requirement on land area shall not apply where the city proposed to be created is composed of one (1) or more islands. The territory need not be contiguous if it comprises two (2) or more islands.
- (c) The average annual income shall include the income accruing to the general fund, exclusive of special funds, transfers, and non-recurring income.

**SECTION 451. Cities, Classified.** - A city may either be component or highly urbanized: Provided, however, That the criteria established in this Code shall not affect the classification and corporate status of existing cities. Independent component cities are those component cities whose charters prohibit their voters from voting for provincial elective officials. Independent component cities shall be independent of the province.

**SECTION 452. Highly Urbanized Cities.** - (a) Cities with a minimum population of two hundred thousand (200,000) inhabitants, as certified by the National Statistics Office, and with the latest annual income of at least Fifty Million Pesos(Php50,000,000.00) based on 1991 constant prices, as certified by the city treasurer, shall be classified as highly urbanized cities.

- (b) Cities which do not meet the above requirements shall be considered component cities of the province in which they are geographically located. If a component city is located within the boundaries of two (2) or more provinces, such city shall be considered a component of the province of which it used to be a municipality.
- (c) Qualified voters of highly urbanized cities shall remain excluded from voting for elective provincial officials.

Unless otherwise provided in the Constitution or this Code, qualified voters of independent component cities shall be governed by their respective charters, as amended, on the participation of voters in provincial elections.

Qualified voters of cities who acquired the right to vote for elective provincial officials prior to the classification of said cities as highly-urbanized after the ratification of the Constitution and before the effectivity of this Code, shall continue to exercise such right.

**SECTION 453. Duty to Declare Highly Urbanized Status.** - It shall be the duty of the President to declare a city as highly urbanized within thirty (30) days after it shall have met the minimum requirements prescribed in the immediately preceding section, upon proper application therefor and ratification in a plebiscite by the qualified voters therein.

## **CHAPTER 2 - CITY OFFICIALS IN GENERAL**

**SECTION 454. Officials of the City Government.** - (a) There shall be in each city a mayor, a vice-mayor, Sangguniang Panlungsod members, a secretary to the Sangguniang Panlungsod, a city treasurer, a city assessor, a city accountant, a city budget officer, a city planning and development coordinator, a city engineer, a city health officer, a city civil registrar, a city administrator, a city legal officer, a city veterinarian, a city social welfare and development officer, and a city general services officer.

- (b) In addition thereto, the city mayor may appoint a city architect, a city information officer, a city agriculturist, a city population officer, a city environment and natural resources officer,

and a city cooperatives officer.

The appointment of a city population officer shall be optional in the city: Provided, however, That cities which have existing population offices shall continue to maintain such offices for a period of five (5) years from the date of the effectivity of this Code, after which said offices shall become optional.

- (c) The Sangguniang Panlungsod may:
  - (1) Maintain existing offices not mentioned in subsections (a) and (b) hereof;
  - (2) Create such other offices as may be necessary to carry out the purposes of the city government; or
  - (3) Consolidate the functions of any office with those of another in the interest of efficiency and economy.
- (d) Unless otherwise provided herein, heads of departments and offices shall be appointed by the city mayor with the concurrence of the majority of all the Sangguniang Panlungsod members, subject to civil service law, rules and regulations. The Sangguniang Panlungsod shall act on the appointment within fifteen (15) days from the date of its submission, otherwise the same shall be deemed confirmed.
- (e) Elective and appointive city officials shall receive such compensation, allowances, and other emoluments as may be determined by law or ordinance, subject to the budgetary limitations on personal services prescribed under Title Five, Book II of this Code: Provided, That, no increase in compensation of the mayor, vice-mayor and Sangguniang Panlungsod members shall take effect until after the expiration of the full term of the said local officials approving such increase.

### **CHAPTER 3 - OFFICIALS AND OFFICES COMMON TO ALL CITIES**

#### **Article One. - The City Mayor**

**SECTION 455.** Chief Executive; Powers, Duties and Compensation. -(a) The city mayor, as chief executive of the city government, shall exercise such powers and perform such duties and functions as provided by this Code and other laws.

- (b) For efficient, effective and economical governance the purpose of which is the general welfare of the city and its inhabitants pursuant to Section 16 of this Code, the city mayor shall:
  - (1) Exercise general supervision and control over all programs, projects, services, and activities of the city government, and in this connection, shall:
    - (i) Determine the guidelines of city policies and be responsible to the Sangguniang Panlungsod for the program of government;
    - (ii) Direct the formulation of the city development plan, with the assistance of the city development council, and upon approval thereof by the Sangguniang Panlungsod, implement the same;
    - (iii) Present the program of government and propose policies and projects for the consideration of the Sangguniang Panlungsod at the opening of the regular session of the Sangguniang Panlungsod every calendar year and as often as may be deemed necessary as the general welfare of the inhabitants and the

needs of the city government may require;

- (iv) Initiate and propose legislative measures to the Sangguniang Panlungsod and as often as may be deemed necessary, provide such information and data needed or requested by said sanggunian in the performance of its legislative functions;
- (iv) Appoint all officials and employees whose salaries and wages are wholly or mainly paid out of city funds and whose appointments are not otherwise provided for in this Code, as well as those he may be authorized by law to appoint;
- (vi) Represent the city in all its business transactions and sign in its behalf all bonds, contracts, and obligations, and such other documents upon authority of the Sangguniang Panlungsod or pursuant to law or ordinance;
- (vii) Carry out such emergency measures as may be necessary during and in the aftermath of man-made and natural disasters and calamities;
- (viii) Determine the time, manner and place of payment of salaries or wages of the officials and employees of the city, in accordance with law or ordinance;
- (ix) Allocate and assign office space to city and other officials and employees who, by law or ordinance, are entitled to such space in the city hall and other buildings owned or leased by the city government;
- (v) (x) Ensure that all executive officials and employees of the city faithfully discharge their duties and functions as provided by law and this Code, and cause to be instituted administrative or judicial proceedings against any official or employee of the city who may have committed an offense in the performance of his official duties;
- (xi) Examine the books, records and other documents of all offices, officials, agents or employees of the city and, in aid of his executive powers and authority, require all national officials and employees stationed in or assigned to the city to make available to him such books, records, and other documents in their custody, except those classified by law as confidential;
- (xii) Furnish copies of executive orders issued by him, to the provincial governor in the case of component city mayors, to the Office of the President in the case of highly-urbanized city mayors, and to their respective metropolitan council chairmen in the case of mayors of cities in the Metropolitan Manila Area and other metropolitan political subdivisions, within seventy-two (72) hours after their issuance;
- (xiii) Visit component Barangays of the city at least once every six (6) months to deepen his understanding of problems and conditions, listen and give appropriate counsel to local officials and inhabitants, inform the component Barangay officials and inhabitants of general laws and ordinances which especially concern them, and otherwise conduct visits and inspections to ensure that the governance of the city will improve the quality of life of the inhabitants;
- (xiv) Act on leave applications of officials and employees appointed by him and the commutation of the monetary value of their leave credits in accordance with law;



- (xv) Authorize official trips of city officials and employees outside of the city for a period not exceeding thirty (30) days;
  - (xvi) Call upon any national official or employee stationed in or assigned to the city to advise him on matters affecting the city and to make recommendations thereon; coordinate with said official or employee in the formulation and implementation of plans, programs and projects; and, when appropriate, initiate an administrative or judicial action against a national government official or employee who may have committed an offense in the performance of his official duties while stationed in or assigned to the city;
  - (xvii) Authorize payment for medical care, necessary transportation, subsistence, hospital or medical fees of city officials and employees who are injured while in the performance of their official duties and functions, subject to availability of funds;
  - (xviii) Solemnize marriage, any provision of law to the contrary notwithstanding;
  - (xix) Conduct an annual palarong panlungsod, which shall feature traditional sports and disciplines included in national and international games, in coordination with the Department of Education, Culture and Sports; and,
  - (xx) Submit to the provincial governor, in the case of component cities; to the Office of the President, in the case of highly-urbanized cities; to their respective metropolitan authority council chairmen and to the Office of the President, in the case of cities of the Metropolitan Manila Area and other metropolitan political subdivisions, the following reports: an annual report containing a summary of all matters pertinent to the management, administration and development of the city and all information and data relative to its political, social and economic conditions; and supplemental reports when unexpected events and situations arise at any time during the year, particularly when man-made or natural disasters or calamities affect the general welfare of the city, province, region or country;
- (2) Enforce all laws and ordinances relative to the governance of the city and in the exercise of the appropriate corporate powers provided for under section 22 of this Code, implement all approved policies, programs, projects, services and activities of the city and, in addition to the foregoing, shall:
- (i) Ensure that the acts of the city's component Barangays and of its officials and employees are within the scope of their prescribed powers, duties and functions;
  - (ii) Call conventions, conferences, seminars, or meetings of any elective and appointive officials of the city, including provincial officials and national officials and employees stationed in or assigned to the city, at such time and place and on such subject as he may deem important for the promotion of the general welfare of the local government unit and its inhabitants;
  - (iii) Issue such executive orders for the faithful and appropriate enforcement and execution of laws and ordinances;
  - (iv) Be entitled to carry the necessary firearm within his territorial jurisdiction;
  - (v) Act as the deputized representative of the National Police Commission,

formulate the peace and order plan of the city and upon its approval, implement the same; and as such exercise general and operational control and supervision over the local police forces in the city, in accordance with R.A. No. 6975;

- (vi) Call upon the appropriate law enforcement agencies to suppress disorder, riot, lawless violence, rebellion or sedition, or to apprehend violators of the law when public interest so requires and the city police forces are inadequate to cope with the situation or the violators;
- (3) Initiate and maximize the generation of resources and revenues, and apply the same to the implementation of development plans, program objectives and priorities as provided for under section 18 of this Code, particularly those resources and revenues programmed for agro-industrial development and countryside growth and progress and, relative thereto, shall:
- (i) Require each head of an office or department to prepare and submit an estimate of appropriations for the ensuing calendar year, in accordance with the budget preparations process under Title Five, Book II of this Code;
  - (ii) Prepare and submit to the sanggunian for approval the executive and supplemental budgets of the city for the ensuing calendar year in the manner provided for under Title Five, Book II of this Code;
  - (iii) Ensure that all taxes and other revenues of the city are collected, and that city funds are applied to the payment of expenses and settlement of obligations of the city, in accordance with law or ordinance;
  - (iii) Issue licenses and permits and suspend or revoke the same for any violation of the conditions upon which said licenses or permits had been issued, pursuant to law or ordinance;
  - (iv) Issue permits, without need of approval therefor from any national agency, for the holding of activities for any charitable or welfare purpose, excluding prohibited games of chance or shows contrary to law, public policy and public morals;
  - (vi) Require owners of illegally constructed houses, buildings or other structures to obtain the necessary permit, subject to such fines and penalties as may be imposed by law or ordinance, or to make necessary changes in the construction of the same when said construction violates any law or ordinance, or to order the demolition or removal of said house, building or structure within the period prescribed by law or ordinance;
  - (vii) Adopt adequate measures to safeguard and conserve land, mineral, marine, forest, and other resources of the city; provide efficient and effective property and supply management in the city; and protect the funds, credits, rights and other properties of the city; and
  - (viii) Institute or cause to be instituted administrative or judicial proceedings for violation of ordinances in the collection of taxes, fees or charges, and for the recovery of funds and property; and cause the city to be defended against all suits to ensure that its interests, resources and rights shall be adequately protected;
- (4) Ensure the delivery of basic services and the provision of adequate facilities as

provided for under section 17 of this Code and, in addition thereto, shall:

- (i) Ensure that the construction and repair of roads and highways funded by the national government shall be, as far as practicable, carried out in a spatially contiguous manner and in coordination with the construction and repair of the roads and bridges of the city, and in the case of component cities, of the city and of the province; and
  - (ii) Coordinate the implementation of technical services, including public works and infrastructure programs, rendered by national offices in the case of highly urbanized and independent component cities, and by national and provincial offices in the case of component cities; and
- (5) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.
- (c) During his incumbency, the city mayor shall hold office in the city hall.
- (d) The city mayor shall receive a minimum monthly compensation corresponding to Salary Grade thirty (30) as prescribed under R.A. No. 6758 and the implementing guidelines issued pursuant thereto.

### **Article Two. - The City Vice-Mayor**

**SECTION 456.** Powers, Duties and Compensation. - (a) The city vice-mayor shall:

- (1) Be the presiding officer of the Sangguniang Panlungsod and sign all warrants drawn on the city treasury for all expenditures appropriated for the operation of the Sangguniang Panlungsod;
  - (2) Subject to civil service law, rules and regulations, appoint all officials and employees of the Sangguniang Panlungsod, except those whose manner of appointment is specifically provided in this Code;
  - (3) Assume the office of the city mayor for the unexpired term of the latter in the event of permanent vacancy as provided for in Section 44, Book I of this Code;
  - (4) Exercise the powers and perform the duties and functions of the city mayor in cases of temporary vacancy as provided for in Section 46, Book I of this Code; and
  - (5) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.
- (b) The city vice-mayor shall receive a monthly compensation corresponding to Salary Grade twenty eight (28) for a highly urbanized city and Salary Grade twenty six (26) for a component city, as prescribed under R.A. No. 6758 and the implementing guidelines issued pursuant thereto.

### **Article Three. - The Sangguniang Panlungsod**

**SECTION 457.** Composition. - (a) The Sangguniang Panlungsod, the legislative body of the city, shall be composed of the city vice-mayor as presiding officer, the regular sanggunian members, the president of the city chapter of the liga ng mga Barangay, the president of the panlungsod na pederasyon ng mga Sangguniang Kabataan, and the sectoral representatives, as members.

- (b) In addition thereto, there shall be three (3) sectoral representatives: one (1) from the women; and, as shall be determined by the sanggunian concerned within ninety (90) days prior to the holding of the local elections, one (1) from the agricultural or industrial workers; and one (1) from the other sectors, including the urban poor, indigenous cultural communities, or disabled persons.
- (c) The regular members of the Sangguniang Panlungsod and the sectoral representatives shall be elected in the manner as may be provided for by law.

**SECTION 458.** - Powers, Duties, Functions and Compensation. - (a) The Sangguniang Panlungsod, as the legislative body of the city, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the city and its inhabitants pursuant to section 16 of this Code and in the proper exercise of the corporate powers of the city as provided for under section 22 of this Code, and shall:

- (1) Approve ordinances and pass resolutions necessary for an efficient and effective city government, and in this connection, shall:
  - (i) Review all ordinances approved by the Sangguniang Barangay and executive orders issued by the Punong Barangay to determine whether these are within the scope of the prescribed powers of the sanggunian and of the Punong Barangay;
  - (ii) Maintain peace and order by enacting measures to prevent and suppress lawlessness, disorder, riot, violence, rebellion or sedition and impose penalties for the violation of said ordinances;
  - (iii) Approve ordinances imposing a fine not exceeding Five thousand pesos (P5,000.00) or an imprisonment for a period not exceeding one (1) year, or both in the discretion of the court, for the violation of a city ordinance;
  - (iv) Adopt measures to protect the inhabitants of the city from the harmful effects of man-made or natural disasters and calamities, and to provide relief services and assistance for victims during and in the aftermath of said disasters or calamities and their return to productive livelihood following said events;
  - (v) Enact ordinances intended to prevent, suppress and impose appropriate penalties for habitual drunkenness in public places, vagrancy, mendicancy, prostitution, establishment and maintenance of houses of ill repute, gambling and other prohibited games of chance, fraudulent devices and ways to obtain money or property, drug addiction, maintenance of drug dens, drug pushing, juvenile delinquency, the printing, distribution or exhibition of obscene or pornographic materials or publications, and such other activities inimical to the welfare and morals of the inhabitants of the city;
  - (vi) Protect the environment and impose appropriate penalties for acts which endanger the environment, such as dynamite fishing and other forms of destructive fishing, illegal logging and smuggling of logs, smuggling of natural resources products and of endangered species of flora and fauna, slash and burn farming, and such other activities which result in pollution, acceleration of eutrophication of rivers and lakes, or of ecological imbalance;
  - (vii) Subject to the provisions of this Code and pertinent laws, determine the powers and duties of officials and employees of the city;

- (viii) Determine the positions and the salaries, wages, allowances and other emoluments and benefits of officials and employees paid wholly or mainly from city funds and provide for expenditures necessary for the proper conduct of programs, projects, services, and activities of the city government;
  - (ix) Authorize the payment of compensation to a qualified person not in the government service who fills up a temporary vacancy or grant honorarium to any qualified official or employee designated to fill a temporary vacancy in a concurrent capacity, at the rate authorized by law;
  - (i) (x) Provide a mechanism and the appropriate funds therefor, to ensure the safety and protection of all city government property, public documents, or records such as those relating to property inventory, land ownership, records of births, marriages, deaths, assessments, taxation, accounts, business permits, and such other records and documents of public interest in the offices and departments of the city government;
  - (xi) When the finances of the city government allow, provide for additional allowances and other benefits to judges, prosecutors, public elementary and high school teachers, and other national government officials stationed in or assigned to the city;
  - (xii) Provide legal assistance to Barangay officials who, in the performance of their official duties or on the occasion thereof, have to initiate judicial proceedings or defend themselves against legal action; and
  - (xiii) Provide for group insurance or additional insurance coverage for all Barangay officials, including members of Barangay tanod brigades and other service units, with public or private insurance companies, when the finances of the city government allow said coverage;
- (2) Generate and maximize the use of resources and revenues for the development plans, program objectives and priorities of the city as provided for under section 18 of this Code, with particular attention to agro-industrial development and city-wide growth and progress, and relative thereto, shall:
- (i) Approve the annual and supplemental budgets of the city government and appropriate funds for specific programs, projects, services and activities of the city, or for other purposes not contrary to law, in order to promote the general welfare of the city and its inhabitants;
  - (ii) Subject to the provisions of Book II of this Code and applicable laws and upon the majority vote of all the members of the Sangguniang Panlungsod, enact ordinances levying taxes, fees and charges, prescribing the rates thereof for general and specific purposes, and granting tax exemptions, incentives or reliefs;
  - (iii) Subject to the provisions of Book II of this Code and upon the majority vote of all the members of the Sangguniang Panlungsod, authorize the city mayor to negotiate and contract loans and other forms of indebtedness;
  - (iv) Subject to the provisions of Book II of this Code and applicable laws and upon the majority vote of all the members of the Sangguniang Panlungsod, enact ordinances authorizing the floating of bonds or other instruments of indebtedness, for the purpose of raising funds to finance development projects;

- (v) Appropriate funds for the construction and maintenance or the rental of buildings for the use of the city; and, upon the majority vote of all the members of the Sangguniang Panlungsod, authorize the city mayor to lease to private parties such public buildings held in a proprietary capacity, subject to existing laws, rules and regulations;
  - (vi) Prescribe reasonable limits and restraints on the use of property within the jurisdiction of the city;
  - (vii) Adopt a comprehensive land use plan for the city: Provided, That in the case of component cities, the formulation, adoption or modification of said plan shall be in coordination with the approved provincial comprehensive land use plan;
  - (viii) Reclassify land within the jurisdiction of the city, subject to the pertinent provisions of this Code;
  - (ix) Enact integrated zoning ordinances in consonance with the approved comprehensive land use plan, subject to existing laws, rules and regulations; establish fire limits or zones, particularly in populous centers; and regulate the construction, repair or modification of buildings within said fire limits or zones in accordance with the provisions of the Fire Code;
  - (i) (x) Subject to national law, process and approve subdivision plans for residential, commercial, or industrial purposes and other development purposes, and to collect processing fees and other charges, the proceeds of which shall accrue entirely to the city: Provided, however, That where approval of a national agency or office is required, said approval shall not be withheld for more than thirty (30) days from receipt of the application. Failure to act on the application within the period stated above shall be deemed as approval thereof;
  - (xi) Subject to the provisions of Book II of this Code, grant the exclusive privilege of constructing fish corrals or fish pens, or the taking or catching of bangus fry, prawn fry or kawag-kawag, or fry of any species or fish within the city waters;
  - (xii) With the concurrence of at least two-thirds (2/3) of all the members of the Sangguniang Panlungsod, grant tax exemptions, incentives or reliefs to entities engaged in community growth-inducing industries, subject to the provisions of Chapter 5, Title I, Book II of this Code;
  - (xiii) Grant loans or provide grants to other local government units or to national, provincial, and city charitable, benevolent or educational institutions: Provided, That, said institutions are operated and maintained within the city;
  - (xiv) Regulate the numbering of residential, commercial and other buildings; and,
  - (xv) Regulate the inspection, weighing and measuring of articles of commerce.
- (3) Subject to the provisions of Book II of this Code, enact ordinances granting franchises and authorizing the issuance of permits or licenses, upon such conditions and for such purposes intended to promote the general welfare of the inhabitants of the city and pursuant to this legislative authority shall:

- (i) Fix and impose reasonable fees and charges for all services rendered by the city government to private persons or entities;
  - (ii) Regulate or fix license fees for any business or practice of profession within the city and the conditions under which the license for said business or practice of profession may be revoked and enact ordinances levying taxes thereon;
  - (iii) Provide for and set the terms and conditions under which public utilities owned by the city shall be operated by the city government, and prescribe the conditions under which the same may be leased to private persons or entities, preferably cooperatives;
  - (iv) Regulate the display of and fix the license fees for signs, signboards, or billboards at the place or places where the profession or business advertised thereby is, in whole or in part, conducted;
  - (v) Any law to the contrary notwithstanding, authorize and license the establishment, operation, and maintenance of cockpits, and regulate cockfighting and commercial breeding of gamecocks: Provided, That existing rights should not be prejudiced;
  - (v) Subject to the guidelines prescribed by the Department of Transportation and Communications, regulate the operation of tricycles and grant franchises for the operation thereof within the territorial jurisdiction of the city;
  - (vii) Upon approval by a majority vote of all the members of the Sangguniang Panlungsod: grant a franchise to any person, partnership, corporation, or cooperative to do business within the city; establish, construct, operate and maintain ferries, wharves, markets or slaughterhouses; or undertake such other activities within the city as may be allowed by existing laws: Provided, That, cooperatives shall be given preference in the grant of such a franchise.
- (4) Regulate activities relative to the use of land, buildings and structures within the city in order to promote the general welfare and for said purpose shall:
- (i) Declare, prevent or abate any nuisance;
  - (ii) Require that buildings and the premises thereof and any land within the city be kept and maintained in a sanitary condition; impose penalties for any violation thereof; or, upon failure to comply with said requirement, have the work done at the expense of the owner, administrator or tenant concerned; or require the filling up of any land or premises to a grade necessary for proper sanitation;
  - (iii) Regulate the disposal of clinical and other wastes from hospitals, clinics and other similar establishments;
  - (iv) Regulate the establishment, operation and cafes, restaurants, beerhouses, hotels, motels, inns, pension houses, lodging houses, and other similar establishments, including tourist guides and transports;
  - (iv) Regulate the sale, giving away or dispensing of any intoxicating malt, vino, mixed or fermented liquors at any retail outlet;
  - (vi) Regulate the establishment and provide for the inspection of steam boilers or

any heating device in buildings and the storage of inflammable and highly combustible materials within the city;

- (vi) Regulate the establishment, operation, and maintenance of any entertainment or amusement facilities, including theatrical performances, circuses, billiard pools, public dancing schools, public dance halls, sauna baths, massage parlors, and other places for entertainment or amusement; regulate such other events or activities for amusement or entertainment, particularly those which tend to disturb the community or annoy the inhabitants, or require the suspension or suppression of the same; or, prohibit certain forms of amusement or entertainment in order to protect the social and moral welfare of the community;
  - (viii) Provide for the impounding of stray animals; regulate the keeping of animals in homes or as part of a business, and the slaughter, sale or disposition of the same; and adopt measures to prevent and penalize cruelty to animals; and,
  - (ix) Regulate the establishment, operation and maintenance of funeral parlors and the burial or cremation of the dead, subject to existing laws, rules and regulations.
- (5) Approve ordinances which shall ensure the efficient and effective delivery of the basic services and facilities as provided for under Section 17 of this Code, and in addition to said services and facilities, shall:
- (i) Provide for the establishment, maintenance, protection, and conservation of communal forests and watersheds, tree parks, greenbelts, mangroves, and other similar forest development projects;
  - (ii) Establish markets, slaughterhouses or animal corrals and authorize the operation thereof by the city government; and regulate the construction and operation of private markets, talipapas or other similar buildings and structures;
  - (iii) Authorize the establishment, maintenance and operation by the city government of ferries, wharves, and other structures intended to accelerate productivity related to marine and seashore or offshore activities;
  - (iv) Regulate the preparation and sale of meat, poultry, fish, vegetables, fruits, fresh dairy products, and other foodstuffs for public consumption;
  - (iv) Regulate the use of streets, avenues, alleys, sidewalks, bridges, parks and other public places and approve the construction, improvement, repair and maintenance of the same; establish bus and vehicle stops and terminals or regulate the use of the same by privately-owned vehicles which serve the public; regulate garages and the operation of conveyances for hire; designate stands to be occupied by public vehicles when not in use; regulate the putting up of signs, signposts, awnings and awning posts on the streets; and provide for the lighting, cleaning and sprinkling of streets and public places;
  - (v) Regulate traffic on all streets and bridges; prohibit encroachments or obstacles thereon and, when necessary in the interest of public welfare, authorize the removal of encroachments and illegal constructions in public places;



- (vii) Subject to existing laws, establish and provide for the maintenance, repair and operation of an efficient waterworks system to supply water for the inhabitants and to purify the source of the water supply; regulate the construction, maintenance, repair and use of hydrants, pumps, cisterns and reservoirs; protect the purity and quantity of the water supply of the city and, for this purpose, extend the coverage of appropriate ordinances over all territory within the drainage area of said water supply and within one hundred (100) meters of the reservoir, conduit, canal, aqueduct, pumping station, or watershed used in connection with the water service; and regulate the consumption, use or wastage of water and fix and collect charges therefor;
- (viii) Regulate the drilling and excavation of the ground for the laying of water, gas, sewer, and other pipes and the construction, repair and maintenance of public drains, sewers, cesspools, tunnels and similar structures; regulate the placing of poles and the use of crosswalks, curbs, and gutters; adopt measures to ensure public safety against open canals, manholes, live wires and other similar hazards to life and property; and regulate the construction and use of private water closets, privies and other similar structures in buildings and homes;
- (ix) Regulate the placing, stringing, attaching, installing, repair and construction of all gas mains, electric, telegraph and telephone wires, conduits, meters and other apparatus; and provide for the correction, condemnation or removal of the same when found to be dangerous, defective, or otherwise hazardous to the welfare of the inhabitants;
- (x) Subject to the availability of funds and to existing laws, rules and regulations, establish and provide for the operation of vocational and technical schools and similar post-Secondary institutions and, with the approval of the Department of Education, Culture and Sports and subject to existing law on tuition fees, fix and collect reasonable tuition fees and other school charges in educational institutions supported by the city government;
- (xi) Establish a scholarship fund for the poor but deserving students in schools located within its jurisdiction or for students residing within the city;
- (xii) Approve measures and adopt quarantine regulations to prevent the introduction and spread of diseases;
- (xiii) Provide for an efficient and effective system of solid waste and garbage collection and disposal; prohibit littering and the placing or throwing of garbage, refuse and other filth and wastes;
- (xiv) Provide for the care of disabled persons, paupers, the aged, the sick, persons of unsound mind, abandoned minors, juvenile delinquents, drug dependents, abused children and other needy and disadvantaged persons, particularly children and youth below eighteen (18) years of age; and, subject to availability of funds, establish and provide for the operation of centers and facilities for said needy and disadvantaged persons;
- (xv) Establish and provide for the maintenance and improvement of jails and detention centers, institute a sound jail management, and appropriate funds for the subsistence of detainees and convicted prisoners in the city;
- (xvi) Establish a City council whose purpose is the promotion of culture and the

arts, coordinate with government agencies and non-governmental organizations and, subject to the availability of funds, appropriate funds for the support and development of the same; and

(xvii) Establish a City council for the elderly which shall formulate policies and adopt measures mutually beneficial to the elderly and to the community; provide incentives for non-governmental agencies and entities and, subject to the availability of funds, appropriate funds to support programs and projects for the benefit of the elderly; and

(6) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

(b) The members of the Sangguniang Panlungsod of component cities shall receive a minimum monthly compensation corresponding to Salary Grade twenty-five (25) and members of the Sangguniang Panlungsod of highly-urbanized cities shall receive a minimum monthly compensation corresponding to Salary Grade twenty-seven (27), as prescribed under R.A. 6758 and the implementing guidelines issued pursuant thereto.

#### **TITLE FOUR. - THE PROVINCE**

##### **CHAPTER 1 - ROLE AND CREATION OF THE PROVINCE**

**SECTION 459.** Role of the Province. - The province, composed of a cluster of municipalities, or municipalities and component cities, and as a political and corporate unit of government, serves as a dynamic mechanism for developmental processes and effective governance of local government units within its territorial jurisdiction.

**SECTION 460.** Manner of Creation. - A province may be created, divided, merged, abolished, or its boundary substantially altered, only by an Act of Congress and subject to approval by a majority of the votes cast in a plebiscite to be conducted by the Comelec in the local government unit or units directly affected. The plebiscite shall be held within one hundred twenty (120) days from the date of effectivity of said Act, unless otherwise provided therein.

**SECTION 461.** Requisites for Creation. - (a) A province may be created if it has an average annual income, as certified by the Department of Finance, of not less than Twenty million pesos(Php20,000,000.00) based on 1991 constant prices and either of the following requisites:

- (i) a contiguous territory of at least two thousand (2,000) square kilometers, as certified by the Lands Management Bureau; or,
- (ii) a population of not less than two hundred fifty thousand(250,000) inhabitants as certified by the National Statistics Office:

Provided, That, the creation thereof shall not reduce the land area, population, and income of the original unit or units at the time of said creation to less than the minimum requirements prescribed herein.

- (b) The territory need not be contiguous if it comprises two (2) or more islands or is separated by a chartered city or cities which do not contribute to the income of the province.
- (c) The average annual income shall include the income accruing to the general fund, exclusive of special funds, trust funds, transfers, and non-recurring income.

**SECTION 462.** Existing Sub-Provinces. - Existing sub- provinces are hereby converted into

regular provinces upon approval by a majority of the votes cast in a plebiscite to be held in the said subprovinces and the original provinces directly affected. The plebiscite shall be conducted by the Comelec simultaneously with the national elections following the effectivity of this Code.

The new legislative districts created as a result of such conversion shall continue to be represented in Congress by the duly-elected representatives of the original districts out of which said new provinces or districts were created until their own representatives shall have been elected in the next regular congressional elections and qualified.

The incumbent elected officials of the said sub-provinces converted into regular provinces shall continue to hold office until June 30, 1992. Any vacancy occurring in the offices occupied by said incumbent elected officials, or resulting from expiration of their terms of office in case of a negative vote in the plebiscite results, shall be filled by appointment by the President. The appointees shall hold office until their successors shall have been elected in the regular local elections following the plebiscite mentioned herein and qualified. After effectivity of such conversion, the President shall fill up the position of governor of the newly-created province through appointment if none has yet been appointed to the same as hereinbefore provided, and shall also appoint a vice-governor and the other members of the Sangguniang Panlalawigan, all of whom shall likewise hold office until their successors shall have been elected in the next regular local elections and qualified.

All qualified appointive officials and employees in the career service of the said sub-provinces at the time of their conversion into regular provinces shall continue in office in accordance with civil service law, rules and regulations.

## **CHAPTER 2 - PROVINCIAL OFFICIALS IN GENERAL**

**SECTION 463.** Officials of the Provincial Government. - (a) There shall be in each province a governor, a vice-governor, members of the Sangguniang Panlalawigan, a Secretary to the Sangguniang Panlalawigan, a provincial treasurer, a provincial assessor, a provincial accountant, a provincial engineer, a provincial budget officer, a provincial planning and development coordinator, a provincial legal officer, a provincial administrator, a provincial health officer, a provincial social welfare and development officer, a provincial general services officer, a provincial agriculturist, and a provincial veterinarian.

(b) In addition thereto, the governor may appoint a provincial population officer, a provincial natural resources and environment officer, a provincial cooperative officer, a provincial architect, and a provincial information officer.

The appointment of a provincial population officer shall be optional in the province: Provided, however, That provinces which have existing population offices shall continue to maintain such offices for a period of five (5) years from the date of the effectivity of this Code, after which said offices shall become optional.

(c) The Sangguniang Panlalawigan may:

- (1) Maintain existing offices not mentioned in subsections (a) and (b) hereof;
- (2) Create such other offices as may be necessary to carry out the purposes of the provincial government; or
- (3) Consolidate the functions of any office with those of another in the interest of efficiency and economy;

(d) Unless otherwise provided herein, heads of departments and offices shall be appointed by the governor with the concurrence of the majority of all the Sangguniang Panlalawigan

members, subject to civil service law, rules and regulations. The Sangguniang Panlalawigan shall act on the appointment within fifteen (15) days from the date of its submission; otherwise the same shall be deemed confirmed;

- (e) Elective and appointive provincial officials shall receive such compensation, allowances, and other emoluments as may be determined by law or ordinance, subject to the budgetary limitations on personal services prescribed under Title Five, Book II of this Code: Provided, That, no increase in compensation shall take effect until after the expiration of the full term of all the elective officials approving such increase.

**SECTION 464. Residence and Office.** - During the incumbency of the governor, he shall have his official residence in the capital of the province. All elective and appointive provincial officials shall hold office in the provincial capital: Provided, That, upon resolution of the Sangguniang Panlalawigan, elective and appointive provincial officials may hold office in any component city or municipality within the province for a period of not more than seven (7) days for any given month.

### **CHAPTER 3 - OFFICIALS AND OFFICES COMMON TO ALL PROVINCES**

#### **Article One. The Provincial Governor**

**SECTION 465. The Chief Executive: Powers, Duties, Functions, and Compensation.** - (a) The provincial governor, as the chief executive of the provincial government, shall exercise such powers and perform such duties and functions as provided by this Code and other laws.

- (b) For efficient, effective and economical governance the purpose of which is the general welfare of the province and its inhabitants pursuant to Section 16 of this Code, the provincial governor shall:
  - (1) Exercise general supervision and control over all programs, projects, services, and activities of the provincial government, and in this connection, shall:
    - (i) Determine the guidelines of provincial policies and be responsible to the Sangguniang Panlalawigan for the program of government;
    - (ii) Direct the formulation of the provincial development plan, with the assistance of the provincial development council, and upon approval thereof by the Sangguniang Panlalawigan, implement the same;
    - (iii) Present the program of government and propose policies and projects for the consideration of the Sangguniang Panlalawigan at the opening of the regular session of the Sangguniang Panlalawigan every calendar year and as often as may be deemed necessary as the general welfare of the inhabitants and the needs of the provincial government may require;
    - (iv) Initiate and propose legislative measures to the Sangguniang Panlalawigan and as often as may be deemed necessary, provide such information and data needed or requested by said sanggunian in the performance of its legislative functions;
    - (v) Appoint all officials and employees whose salaries and wages are wholly or mainly paid out of provincial funds and whose appointments are not otherwise provided for in this Code, as well as those he may be authorized by law to appoint;
    - (vi) Represent the province in all its business transactions and sign in its behalf

all bonds, contracts, and obligations, and such other documents upon authority of the Sangguniang Panlalawigan or pursuant to law or ordinance;

- (vii) Carry out such emergency measures as may be necessary during and in the aftermath of man-made and natural disasters and calamities;
- (viii) Determine the time, manner and place of payment of salaries or wages of the officials and employees of the province, in accordance with law or ordinance;
- (ix) Allocate and assign office space to provincial and other officials and employees who, by law or ordinance, are entitled to such space in the provincial capitol and other buildings owned or leased by the provincial government;
- (x) Ensure that all executive officials and employees of the province faithfully discharge their duties and functions as provided by law and this Code, and cause to be instituted administrative or judicial proceedings against any official or employee of the province who may have committed an offense in the performance of his official duties;
- (xi) Examine the books, records and other documents of all offices, officials, agents or employees of the province and, in aid of his executive powers and authority, require all national officials and employees stationed in the province to make available to him such books, records, and other documents in their custody, except those classified by law as confidential;
- (xii) Furnish copies of executive orders issued by him to the Office of the President within seventy-two (72) hours after their issuance;
- (xiii) Visit component cities and municipalities of the province at least once every six (6) months to deepen his understanding of problems and conditions, listen and give appropriate counsel to local officials and inhabitants, inform the officials and inhabitants of component cities and municipalities of general laws and ordinances which especially concern them, and otherwise conduct visits and inspections to ensure that the governance of the province will improve the quality of life of the inhabitants;
- (xiv) Act on leave applications of officials and employees appointed by him and the commutation of the monetary value of leave credits in accordance with law;
- (xv) Authorize official trips of provincial officials and employees outside of the province for a period not exceeding thirty (30) days;
- (xvi) Call upon any national official or employee stationed in or assigned to the province to advise him on matters affecting the province and to make recommendations thereon; coordinate with said official or employee in the formulation and implementation of plans, programs and projects; and when appropriate, initiate an administrative or judicial action against a national government official or employee who may have committed an offense in the performance of his official duties while stationed in or assigned to the province;
- (xvii) Authorize payment for medical care, necessary transportation, subsistence, hospital or medical fees of provincial officials and employees who are injured

while in the performance of their official duties and functions, subject to availability of funds;

- (xviii) Represent the province in inter-provincial or regional sports councils or committees, and coordinate the efforts of component cities or municipalities in the regional or national palaro or sports development activities;
  - (xix) Conduct an annual palarong panlalawigan, which shall feature traditional sports and disciplines included in national and international games, in coordination with the Department of Education, Culture and Sports; and,
  - (xx) Submit to the Office of the President the following reports: an annual report containing a summary of all matters pertinent to the management, administration and development of the province and all information and data relative to its political, social and economic conditions; and supplemental reports when unexpected events and situations arise at any time during the year, particularly when man-made or natural disasters or calamities affect the general welfare of the province, region or country;
- (2) Enforce all laws and ordinances relative to the governance of the province and the exercise of the appropriate corporate powers provided for under Section 22 of this Code, implement all approved policies, programs, projects, services and activities of the province and, in addition to the foregoing, shall:
- (i) Ensure that the acts of the component cities and municipalities of the province and of its officials and employees are within the scope of their prescribed powers, duties and functions;
  - (ii) Call conventions, conferences, seminars, or meetings of any elective and appointive officials of the province and its component cities and municipalities, including national officials and employees stationed in or assigned to the province, at such time and place and on such subject as he may deem important for the promotion of the general welfare of the province and its inhabitants;
  - (iii) Issue such executive orders for the faithful and appropriate enforcement and execution of laws and ordinances;
  - (iv) Be entitled to carry the necessary firearm within his territorial jurisdiction;
  - (v) In coordination with the mayors of component cities and municipalities and the National Police Commission, formulate the peace and order plan of the province and upon its approval, implement the same in accordance with R.A. No. 6975;
  - (vi) Call upon the appropriate national law enforcement agencies to suppress disorder, riot, lawless violence, rebellion or sedition or to apprehend violators of the law when public interest so requires and the police forces of the component city or municipality where the disorder or violation is happening are inadequate to cope with the situation or the violators;
- (3) Initiate and maximize the generation of resources and revenues, and apply the same to the implementation of development plans, program objectives and priorities as provided for under Section 18 of this Code, particularly those resources and revenues programmed for agro-industrial development and country-wide growth and progress and, relative thereto, shall:

- (i) Require each head of an office or department to prepare and submit an estimate of appropriations for the ensuing calendar year, in accordance with the budget preparation process under Title Five, Book II of this Code;
  - (ii) Prepare and submit to the sanggunian for approval the executive and supplemental budgets of the province for the ensuing calendar year in the manner provided for under Title Five, Book II of this Code;
  - (iii) Ensure that all taxes and other revenues of the province are collected, and that provincial funds are applied to the payment of expenses and settlement of obligations of the province, in accordance with law or ordinance;
  - (iv) Issue licenses and permits and suspend or revoke the same for any violation of the conditions upon which said licenses or permits had been issued, pursuant to law or ordinance;
  - (v) Adopt adequate measures to safeguard and conserve land, mineral, marine, forest and other resources of the province, in coordination with the mayors of component cities and municipalities;
  - (vi) Provide efficient and effective property and supply management in the province; and protect the funds, credits, rights, and other properties of the province; and;
  - (vii) Institute or cause to be instituted administrative or judicial proceedings for violation of ordinances in the collection of taxes, fees or charges, and for the recovery of funds and property; and cause the province to be defended against all suits to ensure that its interests, resources and rights shall be adequately protected.
- (4) Ensure the delivery of basic services and the provision of adequate facilities as provided for under Section 17 of this Code, and in addition thereto, shall:
- (i) Ensure that the construction and repair of roads and highways funded by the national government shall be, as far as practicable, carried out in a spatially contiguous manner and in coordination with the construction and repair of the roads and bridges of the province and of its component cities and municipalities; and,
  - (ii) Coordinate the implementation of technical services by national offices for the province and its component cities and municipalities, including public works and infrastructure programs of the provincial government and its component cities and municipalities;
- (5) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.
- (c) The provincial governor shall receive a minimum monthly compensation corresponding to Salary Grade thirty (30) prescribed under R.A. No. 6758 and the implementing guidelines issued pursuant thereto.

#### **Article Two. - The Provincial Vice-Governor**

**SECTION 466. Powers, Duties, and Compensation.** - (a) The vice-governor shall:

- (1) Be the presiding officer of the Sangguniang Panlalawigan and sign all warrants drawn on the provincial treasury for all expenditures appropriated for the operation of the Sangguniang Panlalawigan;
  - (2) Subject to civil service law, rules and regulations, appoint all officials and employees of the Sangguniang Panlalawigan, except those whose manner of appointment is specifically provided in this Code;
  - (3) Assume the office of the governor for the unexpired term of the latter in the event of permanent vacancy as provided for in Section 44, Book I of this Code;
  - (4) Exercise the powers and perform the duties and functions of the governor in cases of temporary vacancy as provided for in Section 46, Book I of this Code; and
  - (5) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.
- (b) The vice-governor shall receive a monthly compensation corresponding to Salary Grade twenty-eight (28) as prescribed under R.A. No. 6758 and the implementing guidelines issued pursuant thereto.

### **Article Three. - The Sangguniang Panlalawigan**

**SECTION 467.** Composition. - (a) The Sangguniang Panlalawigan, the legislative body of the province, shall be composed of the provincial vice-governor as presiding officer, the regular sanggunian members, the president of the provincial chapter of the liga ng mga Barangay, the president of the panlalawigang pederasyon ng mga Sangguniang Kabataan, the president of the provincial federation of sanggunian members of municipalities and component cities, and the Sectoral representatives, as members.

- (b) In addition thereto, there shall be three (3) Sectoral representatives: one (1) from the women; and as shall be determined by the sanggunian concerned within ninety (90) days prior to the holding of the local elections, one (1) from the agricultural or industrial workers; and one (1) from the other Sectors, including the urban poor, indigenous cultural communities, or disabled persons.
- (c) The regular members of the Sangguniang Panlalawigan and the Sectoral representatives shall be elected in the manner as may be provided for by law.

**SECTION 468.** Powers, Duties, Functions and Compensation. - (a) The Sangguniang Panlalawigan, as the legislative body of the province, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the province and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the province as provided for under Section 22 of this Code, and shall:

- (1) Approve ordinances and pass resolutions necessary for an efficient and effective provincial government and, in this connection, shall:
  - (i) Review all ordinances approved by the sanggunians of component cities and municipalities and executive orders issued by the mayors of said component units to determine whether these are within the scope of the prescribed powers of the sanggunian and of the mayor;
  - (ii) Maintain peace and order by enacting measures to prevent and suppress lawlessness, disorder, riot, violence, rebellion or sedition and impose penalties for the violation of said ordinances;



- (iii) Approve ordinances imposing a fine not exceeding Five thousand pesos (P=5,000.00) or imprisonment not exceeding one(1) year, or both in the discretion of the court, for the violation of a provincial ordinance;
  - (iv) Adopt measures to protect the inhabitants of the province from the harmful effects of man-made or natural disasters and calamities, and to provide relief services and assistance for victims during and in the aftermath of said disasters and calamities and their return to productive livelihood following said events;
  - (v) Enact ordinances intended to prevent, suppress and impose appropriate penalties for habitual drunkenness in public places, vagrancy, mendicancy, prostitution, establishment and maintenance of houses of ill repute, gambling and other prohibited games of chance, fraudulent devices and ways to obtain money or property, drug addiction, maintenance of drug dens, drug pushing, juvenile delinquency, the printing, distribution or exhibition of obscene or pornographic materials or publications, and such other activities inimical to the welfare and morals of the inhabitants of the province;
  - (vi) Protect the environment and impose appropriate penalties for acts which endanger the environment, such as dynamite fishing and other forms of destructive fishing, illegal logging and smuggling of logs, smuggling of natural resources products and of endangered species of flora and fauna, slash and burn farming, and such other activities which result in pollution, acceleration of eutrophication of rivers and lakes, or of ecological imbalance;
  - (vii) Subject to the provisions of this Code and pertinent laws, determine the powers and duties of officials and employees of the province;
  - (viii) Determine the positions and the salaries, wages, allowances and other emoluments and benefits of officials and employees paid wholly or mainly from provincial funds and provide for expenditures necessary for the proper conduct of programs, projects, services, and activities of the provincial government;
  - (ix) Authorize the payment of compensation to a qualified person not in the government service who fills up a temporary vacancy, or grant honorarium to any qualified official or employee designated to fill a temporary vacancy in a concurrent capacity, at the rate authorized by law;
  - (x) Provide a mechanism and the appropriate funds therefor, to ensure the safety and protection of all provincial government property, public documents, or records such as those relating to property inventory, land ownership, records of births, marriages, deaths, assessments, taxation, accounts, business permits, and such other records and documents of public interest in the offices and departments of the provincial government; and
  - (xi) When the finances of the provincial government allow, provide for additional allowances and other benefits to judges, prosecutors, public elementary and high school teachers, and other national government officials stationed or assigned to the province.
- (2) Generate and maximize the use of resources and revenues for the development plans, program objectives and priorities of the province as provided for under Section 18 of this Code, with particular attention to agro-industrial development and country-

wide growth and progress and relative thereto, shall:

- (i) Enact the annual and supplemental appropriations of the provincial government and appropriate funds for specific programs, projects, services and activities of the province, or for other purposes not contrary to law, in order to promote the general welfare of the province and its inhabitants;
  - (ii) Subject to the provisions of Book II of this Code and applicable laws and upon the majority vote of all the members of the Sangguniang Panlalawigan, enact ordinances levying taxes, fees and charges, prescribing the rates thereof for general and specific purposes, and granting tax exemptions, incentives or reliefs;
  - (iii) Subject to the provisions of Book II of this Code and applicable laws and upon the majority vote of all the members of the Sangguniang Panlalawigan, authorize the provincial governor to negotiate and contract loans and other forms of indebtedness;
  - (iv) Subject to the provisions of Book II of this Code and applicable laws and upon the majority vote of all the members of the Sangguniang Panlalawigan, enact ordinances authorizing the floating of bonds or other instruments of indebtedness, for the purpose of raising funds to finance development projects;
  - (v) Appropriate funds for the construction and maintenance or the rental of buildings for the use of the province; and upon the majority vote of all the members of the Sangguniang Panlalawigan, authorize the provincial governor to lease to private parties such public buildings held in a proprietary capacity, subject to existing laws, rules and regulations;
  - (vi) Prescribe reasonable limits and restraints on the use of property within the jurisdiction of the province;
  - (vii) Review the comprehensive land use plans and zoning ordinances of component cities and municipalities and adopt a comprehensive provincial land use plan, subject to existing laws: and
- (3) Adopt measures to enhance the full implementation of the national agrarian reform program in coordination with the Department of Agrarian Reform;
  - (4) Subject to the provisions of Book II of this Code, grant franchises, approve the issuance of permits or licenses, or enact ordinances levying taxes, fees and charges upon such conditions and for such purposes intended to promote the general welfare of the inhabitants of the province, and pursuant to this legislative authority, shall:
    - (i) Fix and impose reasonable fees and charges for all services rendered by the provincial government to private persons or entities; and
    - (ii) Regulate and fix the license fees for such activities as provided for under this Code.
  - (5) Approve ordinances which shall ensure the efficient and effective delivery of the basic services and facilities as provided for under Section 17 of this Code, and, in addition to said services and facilities, shall:
    - (i) Adopt measures and safeguards against pollution and for the preservation of

the natural ecosystem in the province, in consonance with approved standards on human settlements and environmental sanitation;

- (ii) Subject to applicable laws, facilitate or provide for the establishment and maintenance of a waterworks system or district waterworks for supplying water to inhabitants of component cities and municipalities;
  - (iii) Subject to the availability of funds and to existing laws, rules and regulations, provide for the establishment and operation of vocational and technical schools and similar post-Secondary institutions; and, with the approval of the Department of Education, Culture and Sports and subject to existing laws on tuition fees, fix reasonable tuition fees and other school charges in educational institutions supported by the provincial government;
  - (iv) Establish a scholarship fund for the poor but deserving students in schools located within its jurisdiction or for students residing within the province;
  - (v) Approve measures and adopt quarantine regulations to prevent the introduction and spread of diseases within its territorial jurisdiction;
  - (vi) Provide for the care of paupers, the aged, the sick, persons of unsound mind, abandoned minors, abused children, disabled persons, juvenile delinquents, drug dependents, and other needy and disadvantaged persons, particularly children and youth below eighteen (18) years of age; subject to availability of funds, establish and support the operation of centers and facilities for said needy and disadvantaged persons; and facilitate efforts to promote the welfare of families below the poverty threshold, the disadvantaged, and the exploited;
  - (vii) Establish and provide for the maintenance and improvement of jails and detention centers, institute a sound jail management program, and appropriate funds for the subsistence of detainees and convicted prisoners in the province;
  - (viii) Establish a provincial council whose purpose is the promotion of culture and the arts, coordinate with government agencies and non-governmental organizations and, subject to the availability of funds, appropriate funds for the support and development of the same;
  - (ix) Establish a provincial council for the elderly which shall formulate policies and adopt measures mutually beneficial to the elderly and to the province; and subject to the availability of funds, appropriate funds to support programs and projects for the elderly; and provide incentives for non- governmental agencies and entities to support the programs and projects of the elderly; and
  - (x) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.
- (b) The members of the Sangguniang Panlalawigan shall receive a minimum monthly compensation corresponding to Salary Grade twenty-seven (27) as prescribed under R.A. 6758 and the implementing guidelines issued pursuant thereto.

**TITLE FIVE. - APPOINTIVE LOCAL OFFICIALS COMMON TO ALL MUNICIPALITIES,  
CITIES AND PROVINCES**

## **Article One. - Secretary to the Sanggunian**

**SECTION 469.** Qualifications, Powers and Duties. - (a) There shall be a Secretary to the sanggunian who shall be a career official with the rank and salary equal to a head of department or office.

- (b) No person shall be appointed Secretary to the sanggunian unless he is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a college degree preferably in law, commerce or public administration from a recognized college or university, and a first grade civil service eligible or its equivalent.

The appointment of a Secretary to the sanggunian is mandatory for provincial, city and municipal governments.

- (c) The Secretary to the sanggunian shall take charge of the office of the Secretary to the sanggunian and shall:
- (1) Attend meetings of the sanggunian and keep a journal of its proceedings;
  - (2) Keep the seal of the local government unit and affix the same with his signature to all ordinances, resolutions, and other official acts of the sanggunian and present the same to the presiding officer for his signature;
  - (3) Forward to the governor or mayor, as the case may be, for approval, copies of ordinances enacted by the sanggunian and duly certified by the presiding officer, in the manner provided in Section 54 under Book I of this Code;
  - (4) Forward to the sanggunian panlungsod or bayan concerned, in the case of the Sangguniang Barangay, and to the Sangguniang Panlalawigan concerned, in the case of the Sangguniang Panlungsod of component cities or Sangguniang Bayan, copies of duly approved ordinances, in the manner provided in Sections 56 and 57 under Book I of this Code;
  - (5) Furnish, upon request of any interested party, certified copies of records of public character in his custody, upon payment to the treasurer of such fees as may be prescribed by ordinance;
  - (6) Record in a book kept for the purpose, all ordinances and resolutions enacted or adopted by the sanggunian, with the dates of passage and publication thereof;
  - (7) Keep his office and all non-confidential records therein open to the public during the usual business hours;
  - (8) Translate into the dialect used by the majority of the inhabitants all ordinances and resolutions immediately after their approval, and cause the publication of the same together with the original version in the manner provided under this Code; and
  - (9) Take custody of the local archives and, where applicable, the local library and annually account for the same; and
- (d) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance relative to his position.

## **Article Two . - The Treasurer**

**SECTION 470.** Appointment, Qualifications, Powers, and Duties.- (a) The treasurer shall be

appointed by the Secretary of Finance from a list of at least three (3) ranking, eligible recommendees of the governor or mayor, as the case may be, subject to civil service law, rules and regulations.

- (b) The treasurer shall be under the administrative supervision of the governor or mayor, as the case may be, to whom he shall report regularly on the tax collection efforts in the local government unit;
- (c) No person shall be appointed treasurer unless he is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a college degree preferably in commerce, public administration or law from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired experience in treasury or accounting service for at least five (5) years in the case of the city or provincial treasurer, and three (3) years in the case of the municipal treasurer.

The appointment of a treasurer shall be mandatory for provincial, city and municipal governments.

- (d) The treasurer shall take charge of the treasury office, perform the duties provided for under Book II of this Code, and shall:
  - (1) Advise the governor or mayor, as the case may be, the sanggunian, and other local government and national officials concerned regarding disposition of local government funds, and on such other matters relative to public finance;
  - (2) Take custody of and exercise proper management of the funds of the local government unit concerned;
  - (3) Take charge of the disbursement of all local government funds and such other funds the custody of which may be entrusted to him by law or other competent authority;
  - (4) Inspect private commercial and industrial establishments within the jurisdiction of the local government unit concerned in relation to the implementation of tax ordinances, pursuant to the provisions under Book II of this Code;
  - (5) Maintain and update the tax information system of the local government unit;
- (e) In the case of the provincial treasurer, exercise technical supervision over all treasury offices of component cities and municipalities; and
- (f) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

**SECTION 471. Assistant Treasurer.** - (a) An assistant treasurer may be appointed by the Secretary of Finance from a list of at least three (3) ranking, eligible recommendees of the governor or mayor, subject to civil service law, rules and regulations.

- (b) No person shall be appointed assistant treasurer unless he is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a college degree preferably in commerce, public administration, or law from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired at least five (5) years experience in the treasury or accounting service in the case of the city or provincial assistant treasurer, and three (3) years in the case of the municipal assistant treasurer.

The appointment of an assistant treasurer shall be optional for provincial, city and municipal governments;

- (c) The assistant treasurer shall assist the treasurer and perform such duties as the latter may assign to him. He shall have authority to administer oaths concerning notices and notifications to those delinquent in the payment of the real property tax and concerning official matters relating to the accounts of the treasurer or otherwise arising in the offices of the treasurer and the assessor.

### **Article Three. - The Assessor**

**SECTION 472 . Qualifications, Powers and Duties. -** (a) No person shall be appointed assessor unless he is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a college degree preferably in civil or mechanical engineering, commerce, or any other related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired experience in real property assessment work or in any related field for at least five (5) years in the case of the city or provincial assessor, and three (3) years in the case of the municipal assessor.

The appointment of an assessor shall be mandatory for provincial, city and municipal governments.

- (b) The assessor shall take charge of the assessor's office, perform the duties provided for under Book II of this Code, and shall:
  - (1) Ensure that all laws and policies governing the appraisal and assessment of real properties for taxation purposes are properly executed;
  - (2) Initiate, review, and recommend changes in policies and objectives, plans and programs, techniques, procedures and practices in the valuation and assessment of real properties for taxation purposes;
  - (3) Establish a systematic method of real property assessment;
  - (4) Install and maintain a real property identification and accounting system,
  - (5) Prepare, install and maintain a system of tax mapping, showing graphically all property subject to assessment and gather all data concerning the same;
  - (6) Conduct frequent physical surveys to verify and determine whether all real properties within the province are properly listed in the assessment rolls;
  - (7) Exercise the functions of appraisal and assessment primarily for taxation purposes of all real properties in the local government unit concerned;
  - (8) Prepare a schedule of the fair market value for the different classes of real properties, in accordance with Title Two under Book II of this Code;
  - (9) Issue, upon request of any interested party, certified copies of assessment records of real property and all other records relative to its assessment, upon payment of a service charge or fee to the treasurer;
  - (10) Submit every semester a report of all assessments, as well as cancellations and modifications of assessments to the local chief executive and the sanggunian concerned;

- (11) In the case of the assessor of a component city or municipality attend, personally or through an authorized representative, all sessions of the local board of assessment appeals whenever his assessment is the subject of the appeal, and present or submit any information or record in his possession as may be required by the board; and,
  - (12) In the case of the provincial assessor, exercise technical supervision and visitorial functions over all component city and municipal assessors, coordinate with component city or municipal assessors in the conduct of tax mapping operations and all other assessment activities, and provide all forms of assistance therefor: Provided, however, That, upon full provision by the component city or municipality concerned to its assessor's office of the minimum personnel, equipment, and funding requirements as may be prescribed by the Secretary of Finance, such functions shall be delegated to the said city or municipal assessor; and
- (c) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

**SECTION 473. Assistant Assessor.** - (a) No person shall be appointed assistant assessor unless he is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a college degree preferably in civil or mechanical engineering, commerce, or any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired experience in assessment or in any related field for at least three (3) years in the case of the city or provincial assistant assessor, and one (1) year in the case of the city or provincial assistant assessor.

The appointment of an assistant assessor shall be optional for provincial, city and municipal governments.

- (b) The assistant assessor shall assist the assessor and perform such other duties as the latter may assign to him. He shall have the authority to administer oaths on all declarations of real property for purposes of assessment.

#### **Article Four. - The Accountant**

**SECTION 474. Qualifications, Powers and Duties.** - (a) No person shall be appointed accountant unless he is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, and a certified public accountant. He must have acquired experience in the treasury or accounting service for at least five (5) years in the case of the provincial or city accountant, and three (3) years in the case of the municipal accountant.

The appointment of an accountant is mandatory for the provincial, city and municipal governments.

- (b) The accountant shall take charge of both the accounting and internal audit services of the local government unit concerned and shall:
  - (1) Install and maintain an internal audit system in the local government unit concerned;
  - (2) Prepare and submit financial statements to the governor or mayor, as the case may be, and to the sanggunian concerned;
  - (3) Apprise the sanggunian and other local government officials on the financial condition and operations of the local government unit concerned;
  - (4) Certify to the availability of budgetary allotment to which expenditures and obligations may be properly charged;

- (5) Review supporting documents before preparation of vouchers to determine completeness of requirements;
  - (6) Prepare statements of cash advances, liquidation, salaries, allowances, reimbursements and remittances pertaining to the local government unit;
  - (7) Prepare statements of journal vouchers and liquidation of the same and other adjustments related thereto;
  - (8) Post individual disbursements to the subsidiary ledger and index cards;
  - (9) Maintain individual ledgers for officials and employees of the local government unit pertaining to payrolls and deductions;
  - (10) Record and post in index cards details of purchased furniture, fixtures, and equipment, including disposal thereof, if any;
  - (11) Account for all issued requests for obligations and maintain and keep all records and reports related thereto;
  - (12) Prepare journals and the analysis of obligations and maintain and keep all records and reports related thereto; and
  - (13) Exercise such other powers and perform such other duties and functions as may be provided by law or ordinance.
- (c) The incumbent chief accountant in the office of the treasurer shall be given preference in the appointment to the position of accountant.

#### **Article Five. - The Budget Officer**

**SECTION 475. Qualifications, Powers and Duties.** - (a) No person shall be appointed budget officer unless he is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a college degree preferably in accounting, economics, public administration or any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired experience in government budgeting or in any related field for at least five (5) years in the case of the provincial or city budget officer, and at least three (3) years in the case of the municipal budget officer.

The appointment of a budget officer shall be mandatory for the provincial, city, and municipal governments.

- (b) The budget officer shall take charge of the budget office and shall:
- (1) Prepare forms, orders, and circulars embodying instructions on budgetary and appropriation matters for the signature of the governor or mayor, as the case may be;
  - (2) Review and consolidate the budget proposals of different departments and offices of the local government unit;
  - (3) Assist the governor or mayor, as the case may be, in the preparation of the budget and during budget hearings;
  - (4) Study and evaluate budgetary implications of proposed legislation and submit comments and recommendations thereon;



- (5) Submit periodic budgetary reports to the Department of Budget and Management;
  - (6) Coordinate with the treasurer, accountant, and the planning and development coordinator for the purpose of budgeting;
  - (7) Assist the sanggunian concerned in reviewing the approved budgets of component local government units;
  - (8) Coordinate with the planning and development coordinator in the formulation of the local government unit development plan; and
- (c) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.
- (d) The appropriations for personal services of the budget officer provided under the Department of Budget and Management shall, upon effectivity of this Code, be transferred to the local government unit concerned. Thereafter, the appropriations for personal services of the budget officer shall be provided for in full in the budget of the local government unit.

#### **Article Six. - The Planning and Development Coordinator**

**SECTION 476.** Qualifications, Powers and Duties. - (a) No person shall be appointed planning and development coordinator unless he is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a college degree preferably in urban planning, development studies, economics, public administration, or any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired experience in development planning or in any related field for at least five (5) years in the case of the provincial or city planning and development coordinator, and three (3) years in the case of the municipal planning and development coordinator. The appointment of a planning and development coordinator shall be mandatory for provincial, city and municipal governments.

- (b) The planning and development coordinator shall take charge of the planning and development office and shall:
- (1) Formulate integrated economic, social, physical, and other development plans and policies for consideration of the local government development council;
  - (2) Conduct continuing studies, researches, and training programs necessary to evolve plans and programs for implementation;
  - (3) Integrate and coordinate all sectoral plans and studies undertaken by the different functional groups or agencies;
  - (4) Monitor and evaluate the implementation of the different development programs, projects, and activities in the local government unit concerned in accordance with the approved development plan;
  - (5) Prepare comprehensive plans and other development planning documents for the consideration of the local development council;
  - (6) Analyze the income and expenditure patterns, and formulate and recommend fiscal plans and policies for consideration of the finance committee of the local government unit concerned as provided under Title Five, Book II of this Code;

- (7) Promote people participation in development planning within the local government unit concerned;
  - (8) Exercise supervision and control over the Secretariat of the local development council; and
- (c) Exercise such other powers and perform such other functions and duties as may be prescribed by law or ordinance.

### **Article Seven. - The Engineer**

**SECTION 477.** Qualifications, Powers and Duties. - (a) No person shall be appointed engineer unless he is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, and a licensed civil engineer. He must have acquired experience in the practice of his profession for at least five (5) years in the case of the provincial or city engineer, and three (3) years in the case of the municipal engineer.

The appointment of an engineer shall be mandatory for the provincial, city, and municipal governments. The city and municipal engineer shall also act as the local building official.

- (b) The engineer shall take charge of the engineering office and shall:
- (1) Initiate, review and recommend changes in policies and objectives, plans and programs, techniques, procedures and practices in infrastructure development and public works in general of the local government unit concerned;
  - (2) Advise the governor or mayor, as the case may be, on infrastructure, public works, and other engineering matters;
  - (3) Administer, coordinate, supervise, and control the construction, maintenance, improvement, and repair of roads, bridges, and other engineering and public works projects of the local government unit concerned;
  - (4) Provide engineering services to the local government unit concerned, including investigation and survey, engineering designs, feasibility studies, and project management;
  - (5) In the case of the provincial engineer, exercise technical supervision over all engineering offices of component cities and municipalities; and
- (c) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

### **Article Eight. - The Health Officer**

**SECTION 478.** Qualifications, Powers and Duties. - (a) No person shall be appointed health officer unless he is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, and a licensed medical practitioner. He must have acquired experience in the practice of his profession for at least five (5) years in the case of the provincial or city health officer, and three (3) years in the case of the municipal health officer.

The appointment of a health officer shall be mandatory for provincial, city and municipal governments.

- (b) The health officer shall take charge of the office on health and shall:

- (1) Take charge of the office on health services, supervise the personnel and staff of said office, formulate program implementation guidelines and rules and regulations for the operation of the said office for the approval of the governor or mayor, as the case may be, in order to assist him in the efficient, effective and economical implementation of a health services program geared to implementation of health-related projects and activities;
  - (2) Formulate measures for the consideration of the sanggunian and provide technical assistance and support to the governor or mayor, as the case may be, in carrying out activities to ensure the delivery of basic services and provision of adequate facilities relative to health services provided under Section 17 of this Code;
  - (3) Develop plans and strategies and upon approval thereof by the governor or mayor as the case may be, implement the same, particularly those which have to do with health programs and projects which the governor or mayor, is empowered to implement and which the sanggunian is empowered to provide for under this Code;
  - (4) In addition to the foregoing duties and functions, the health officer shall :
    - (i) Formulate and implement policies, plans, programs and projects to promote the health of the people in the local government unit concerned;
    - (ii) Advise the governor or mayor, as the case may be, and the sanggunian on matters pertaining to health;
    - (iii) Execute and enforce all laws, ordinances and regulations relating to public health;
    - (iv) Recommend to the sanggunian, through the local health board, the passage of such ordinances as he may deem necessary for the preservation of public health;
    - (v) Recommend the prosecution of any violation of sanitary laws, ordinances or regulations;
    - (vi) Direct the sanitary inspection of all business establishments selling food items or providing accommodations such as hotels, motels, lodging houses, pension houses, and the like, in accordance with the Sanitation Code;
    - (vii) Conduct health information campaigns and render health intelligence services;
    - (viii) Coordinate with other government agencies and non-governmental organizations involved in the promotion and delivery of health services; and
    - (ix) In the case of the provincial health officer, exercise general supervision over health officers of component cities and municipalities; and
  - (5) Be in the frontline of health services delivery, particularly during and in the aftermath of man-made and natural disasters and calamities; and
- (c) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

## **Article Nine. - The Civil Registrar**

**SECTION 479.** Qualifications, Powers and Duties. - (a) No person shall be appointed civil registrar unless he is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a college degree from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired experience in civil registry work for at least five(5) years in the case of the city civil registrar and three (3) years in the case of the municipal civil registrar.

The appointment of a civil registrar shall be mandatory for city and municipal governments.

- (b) The civil registrar shall be responsible for the civil registration program in the local government unit concerned, pursuant to the Civil Registry Law, the Civil Code, and other pertinent laws, rules and regulations issued to implement them.
- (c) The Civil Registrar shall take charge of the office of the civil registry and shall:
  - (1) Develop plans and strategies and upon approval thereof by the governor or mayor, as the case may be, implement the same, particularly those which have to do with civil registry programs and projects which the mayor is empowered to implement and which the sanggunian is empowered to provide for under this Code;
  - (2) In addition to the foregoing duties and functions, the civil registrar shall:
    - (i) Accept all registrable documents and judicial decrees affecting the civil status of persons;
    - (ii) File, keep and preserve in a secure place the books required by law;
    - (iii) Transcribe and enter immediately upon receipt all registerable documents and judicial decrees affecting the civil status of persons in the appropriate civil registry books;
    - (iv) Transmit to the Office of the Civil Registrar- General, within the prescribed period, duplicate copies of registered documents required by law;
    - (v) Issue certified transcripts or copies of any certificate or registered documents upon payment of the prescribed fees to the treasurer;
    - (vi) Receive applications for the issuance of a marriage license and, after determining that the requirements and supporting certificates and publication thereof for the prescribed period have been complied with, issue the license upon payment of the authorized fee to the treasurer;
    - (vii) Coordinate with the National Statistics Office in conducting educational campaigns for vital registration and assist in the preparation of demographic and other statistics for the local government unit concerned; and
  - (3) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

## **Article Ten. - The Administrator**

**SECTION 480.** Qualifications, Term, Powers and Duties. - (a) No person shall be appointed administrator unless he is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a college degree preferably in public

administration, law, or any other related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired experience in management and administration work for at least five (5) years in the case of the provincial or city administrator, and three (3) years in the case of the municipal administrator.

The term of administrator is coterminous with that of his appointing authority.

The appointment of an administrator shall be mandatory for the provincial and city governments, and optional for the municipal government.

(b) The administrator shall take charge of the office of the administrator and shall:

- (1) Develop plans and strategies and upon approval thereof by the governor or mayor, as the case may be, implement the same particularly those which have to do with the management and administration-related programs and projects which the governor or mayor is empowered to implement and which the sanggunian is empowered to provide for under this Code;
- (2) In addition to the foregoing duties and functions, the administrator shall:
  - (i) Assist in the coordination of the work of all the officials of the local government unit, under the supervision, direction, and control of the governor or mayor, and for this purpose, he may convene the chiefs of offices and other officials of the local government unit;
  - (ii) Establish and maintain a sound personnel program for the local government unit designed to promote career development and uphold the merit principle in the local government service;
  - (iii) Conduct a continuing organizational development of the local government unit with the end in view of instituting effective administrative reforms;
- (3) Be in the frontline of the delivery of administrative support services, particularly those related to the situations during and in the aftermath of man-made and natural disasters and calamities;
- (4) Recommend to the sanggunian and advise the governor and mayor, as the case may be, on all other matters relative to the management and administration of the local government unit; and
- (5) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

#### **Article Eleven. - The Legal Officer**

**SECTION 481.** Qualifications, Term, Powers and Duties. - (a) No person shall be appointed legal officer unless he is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, and a member of the Philippine Bar. He must have practiced his profession for at least five (5) years in the case of the provincial and city legal officer, and three (3) years in the case of the municipal legal officer. The term of the legal officer shall be coterminous with that of his appointing authority. The appointment of legal officer shall be mandatory for the provincial and city governments and optional for the municipal government.

- (b) The legal officer, the chief legal counsel of the local government unit, shall take charge of the office of legal services and shall:

- (1) Formulate measures for the consideration of the sanggunian and provide legal assistance and support to the governor or mayor, as the case may be, in carrying out the delivery of basic services and provisions of adequate facilities as provided for under Section 17 of this Code;
- (2) Develop plans and strategies and upon approval thereof by the governor or mayor, as the case may be, implement the same, particularly those which have to do with programs and projects related to legal services which the governor or mayor is empowered to implement and which the sanggunian is empowered to provide for under this Code.
- (3) In addition to the foregoing duties and functions, the legal officer shall:
  - (i) Represent the local government unit in all civil actions and special proceedings wherein the local government unit or any official thereof, in his official capacity, is a party: Provided, That, in actions or proceedings where a component city or municipality is a party adverse to the provincial government or to another component city or municipality, a special legal officer may be employed to represent the adverse party;
  - (ii) When required by the governor, mayor or sanggunian, draft ordinances, contracts, bonds, leases and other instruments, involving any interest of the local government unit; and provide comments and recommendations on any instruments already drawn;
  - (iii) Render his opinion in writing on any question of law when requested to do so by the governor, mayor, or sanggunian;
  - (iv) Investigate or cause to be investigated any local official or employee for administrative neglect or misconduct in office, and recommend appropriate action to the governor, mayor or sanggunian, as the case may be;
  - (v) Investigate or cause to be investigated any person, firm or corporation holding any franchise or exercising any public privilege for failure to comply with any term or condition in the grant of such franchise or privilege, and recommending appropriate action to the governor, mayor or sanggunian, as the case may be;
  - (vi) When directed by the governor, mayor, or sanggunian, initiate and prosecute in the interest of the local government unit concerned any civil action on any bond, lease or other contract upon any breach or violation thereof; and
  - (vii) Review and submit recommendations on ordinances approved and executive orders issued by component units;
- (4) Recommend measures to the sanggunian and advise the governor or mayor as the case may be on all other matters related to upholding the rule of law ;
- (5) Be in the frontline of protecting human rights and prosecuting any violations thereof, particularly those which occur during and in the aftermath of man-made or natural disasters or calamities; and
- (6) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

## **Article Twelve. - The Agriculturist**

**SECTION 482. Qualifications, Powers and Duties.** - (a) No person shall be appointed agriculturist unless he is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a college degree in agriculture or any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have practiced his profession in agriculture or acquired experience in a related field for at least five (5) years in the case of the provincial and city agriculturist, and three (3) years in the case of the municipal agriculturist.

The position of the agriculturist shall be mandatory for the provincial government and optional for the city and municipal governments.

- (b) The agriculturist shall take charge of the office for agricultural services, and shall:
- (1) Formulate measures for the approval of the sanggunian and provide technical assistance and support to the governor or mayor, as the case may be, in carrying out said measures to ensure the delivery of basic services and provision of adequate facilities relative to agricultural services as provided for under Section 17 of this Code;
  - (2) Develop plans and strategies and upon approval thereof by the governor or mayor, as the case may be, implement the same, particularly those which have to do with agricultural programs and projects which the governor or mayor is empowered to implement and which the sanggunian is empowered to provide for under this Code;
  - (3) In addition to the foregoing duties and functions, the agriculturist shall:
    - (i) Ensure that maximum assistance and access to resources in the production, processing and marketing of agricultural and aqua-cultural and marine products are extended to farmers, fishermen and local entrepreneurs;
    - (ii) Conduct or cause to be conducted location-specific agricultural researches and assist in making available the appropriate technology arising out of and disseminating information on basic research on crops, preventive and control of plant diseases and pests, and other agricultural matters which will maximize productivity;
    - (iii) Assist the governor or mayor, as the case may be, in the establishment and extension services of demonstration farms or aqua-culture and marine products;
    - (iv) Enforce rules and regulations relating to agriculture and aquaculture;
    - (v) Coordinate with government agencies and non- governmental organizations which promote agricultural productivity through appropriate technology compatible with environmental integrity;
  - (4) Be in the frontline of delivery of basic agricultural services, particularly those needed for the survival of the inhabitants during and in the aftermath of man-made and natural disasters; (5) Recommend to the sanggunian and advise the governor or mayor, as the case may be, on all other matters related to agriculture and aqua-culture which will improve the livelihood and living conditions of the inhabitants; and
- (c) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

### **Article Thirteen. - The Social Welfare and Development Officer**

**SECTION 483. Qualifications, Powers and Duties.** - (a) No person shall be appointed social welfare and development officer unless he is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a duly licensed social worker or a holder of a college degree preferably in sociology or any other related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired experience in the practice of social work for at least five (5) years in the case of the provincial or city social welfare and development officer, and three (3) years in the case of the municipal social welfare and development officer.

The appointment of a social welfare and development officer is mandatory for provincial and city governments, and optional for municipal government.

- (b) The social welfare and development officer shall take charge of the office on social welfare and development services and shall:
- (1) Formulate measures for the approval of the sanggunian and provide technical assistance and support to the governor or mayor, as the case may be, in carrying out measures to ensure the delivery of basic services and provision of adequate facilities relative to social welfare and development services as provided for under Section 17 of this Code;
  - (2) Develop plans and strategies and upon approval thereof by the governor or mayor, as the case may be, implement the same particularly those which have to do with social welfare programs and projects which the governor or mayor is empowered to implement and which the sanggunian is empowered to provide for under this Code;
  - (3) In addition to the foregoing duties, the social welfare and development officer shall:
    - (i) Identify the basic needs of the needy, the disadvantaged and the impoverished and develop and implement appropriate measures to alleviate their problems and improve their living conditions;
    - (ii) Provide relief and appropriate crisis intervention for victims of abuse and exploitation and recommend appropriate measures to deter further abuse and exploitation;
    - (iii) Assist the governor or mayor, as the case may be, in implementing the Barangay level program for the total development and protection of children up to six (6) years of age;
    - (iv) Facilitate the implementation of welfare programs for the disabled, elderly, and victims of drug addiction, the rehabilitation of prisoners and parolees, the prevention of juvenile delinquency and such other activities which would eliminate or minimize the ill-effects of poverty;
    - (v) Initiate and support youth welfare programs that will enhance the role of the youth in nation-building;
    - (vi) Coordinate with government agencies and non- governmental organizations which have for their purpose the promotion and the protection of all needy, disadvantaged, underprivileged or impoverished groups or individuals, particularly those identified to be vulnerable and high-risk to exploitation, abuse and neglect;



- (4) Be in the frontline of service delivery, particularly those which have to do with immediate relief during and assistance in the aftermath of man-made and natural disaster and natural calamities;
  - (5) Recommend to the sanggunian and advise the governor or mayor, as the case may be, on all other matters related to social welfare and development services which will improve the livelihood and living conditions of the inhabitants; and
- (c) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

#### **Article Fourteen. - The Environment and Natural Resources Officer**

**SECTION 484. Qualifications, Powers and Duties.** - (a) No person shall be appointed environment and natural resources officer unless he is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a college degree preferably in environment, forestry, agriculture or any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired experience in environmental and natural resources management, conservation, and utilization, of at least five (5) years in the case of the provincial or city environment and natural resources officer, and three (3) years in the case of the municipal environment and natural resources officer.

The appointment of the environment and natural resources officer is optional for provincial, city, and municipal governments.

- (b) The environment and natural resources management officer shall take charge of the office on environment and natural resources and shall:
- (1) Formulate measures for the consideration of the sanggunian and provide technical assistance and support to the governor or mayor, as the case may be, in carrying out measures to ensure the delivery of basic services and provision of adequate facilities relative to environment and natural resources services as provided for under Section 17 of this Code;
  - (2) Develop plans and strategies and upon approval thereof by the governor or mayor, as the case may be, implement the same, particularly those which have to do with environment and natural resources programs and projects which the governor or mayor is empowered to implement and which the sanggunian is empowered to provide for under this Code;
  - (3) In addition to the foregoing duties and functions, the environment and natural resources officer shall:
    - (i) Establish, maintain, protect and preserve communal forests, watersheds, tree parks, mangroves, greenbelts and similar forest projects and commercial forest, like industrial tree farms and agro-forestry projects;
    - (ii) Provide extension services to beneficiaries of forest development projects and technical, financial and infrastructure assistance;
    - (iii) Manage and maintain seed banks and produce seedlings for forests and tree parks;
    - (iv) Provide extension services to beneficiaries of forest development projects and render assistance for natural resources-related conservation and utilization

activities consistent with ecological balance;

- (v) Promote the small-scale mining and utilization of mineral resources, particularly mining of gold;
  - (vi) Coordinate with government agencies and non- governmental organizations in the implementation of measures to prevent and control land, air and water pollution with the assistance of the Department of Environment and Natural Resources;
- (4) Be in the frontline of the delivery of services concerning the environment and natural resources, particularly in the renewal and rehabilitation of the environment during and in the aftermath of man-made and natural calamities and disasters;
- (5) Recommend to the sanggunian and advise the governor or mayor, as the case may be, on all matters relative to the protection, conservation, maximum utilization, application of appropriate technology and other matters related to the environment and natural resources; and
- (c) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

#### **Article Fifteen - The Architect**

**SECTION 485.** Qualifications, Powers and Duties. - (a) No person shall be appointed architect unless he is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a duly licensed architect. He must have practiced his profession for at least five (5) years in the case of the provincial or city architect, and three (3) years in the case of the municipal architect. The appointment of the architect is optional for provincial, city and municipal governments.

- (b) The architect shall take charge of the office on architectural planning and design and shall:
- (1) Formulate measures for the consideration of the sanggunian and provide technical assistance and support to the governor or mayor, as the case may be, in carrying out measures to ensure the delivery of basic services and provision of adequate facilities relative to architectural planning and design as provided for under Section 17 of this Code;
  - (2) Develop plans and strategies and upon approval thereof by the governor or mayor, as the case may be, implement the same, particularly those which have to do with architectural planning and design programs and projects which the governor or mayor is empowered to implement and which the sanggunian is empowered to provide for under this Code;
  - (3) In addition to foregoing duties and functions, the architect shall:
    - (i) Prepare and recommend for consideration of the sanggunian the architectural plan and design for the local government unit or a part thereof, including the renewal of slums and blighted areas, land reclamation activities, the greening of land, and appropriate planning of marine and foreshore areas;
    - (ii) Review and recommend for appropriate action of the sanggunian, governor or mayor, as the case may be, the architectural plans and design submitted by governmental and non-governmental entities or individuals, particularly those for

undeveloped, underdeveloped, and poorly-designed areas; and

- (iii) Coordinate with government and non-government entities and individuals involved in the aesthetics and the maximum utilization of the land and water within the jurisdiction of the local government unit, compatible with environmental integrity and ecological balance.
- (4) Be in the frontline of the delivery of services involving architectural planning and design, particularly those related to the redesigning of spatial distribution of basic facilities and physical structures during and in the aftermath of man-made and natural calamities and disasters;
- (5) Recommend to the sanggunian and advise the governor or mayor, as the case may be, on all other matters relative to the architectural planning and design as it relates to the total socioeconomic development of the local government unit; and
- (c) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

#### **Article Sixteen. - The Information Officer**

**SECTION 486. Qualifications, Powers and Duties.** - (a) No person shall be appointed information officer unless he is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a college degree preferably in journalism, mass communication or any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have experience in writing articles and research papers, or in writing for print, television or broadcast media of at least three (3) years in the case of the provincial or city information officer, and at least one (1) year in the case of municipal information officer.

The appointment of the information officer is optional for the provincial, city and municipal governments.

The term of the information officer is co-terminous with that of his appointing authority.

- (b) The information officer shall take charge of the office on public information and shall:
  - (1) Formulate measures for the consideration of the sanggunian and provide technical assistance and support to the governor or mayor, as the case may be, in providing the information and research data required for the delivery of basic services and provision of adequate facilities so that the public becomes aware of said services and may fully avail of the same;
  - (2) Develop plans and strategies and, upon approval thereof by the governor or mayor, as the case may be, implement the same, particularly those which have to do with public information and research data to support programs and projects which the governor or mayor is empowered to implement and which the sanggunian is empowered to provide for under this Code;
  - (3) In addition to the foregoing duties and functions, the information officer shall:
    - (i) Provide relevant, adequate, and timely information to the local government unit and its residents;
    - (ii) Furnish information and data on local government units to government agencies or offices as may be required by law or ordinance; and non-governmental

organizations to be furnished to said agencies and organizations;

- (iii) Maintain effective liaison with the various Sectors of the community on matters and issues that affect the livelihood and the quality of life of the inhabitants and encourage support for programs of the local and national government;
  - (4) Be in the frontline in providing information during and in the aftermath of manmade and natural calamities and disasters, with special attention to the victims thereof, to help minimize injuries and casualties during and after the emergency, and to accelerate relief and rehabilitation;
  - (5) Recommend to the sanggunian and advise the governor or mayor, as the case may be, on all other matters relative to public information and research data as it relates to the total socioeconomic development of the local government unit; and
- (c) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

### **Article Seventeen. - The Cooperatives Officer**

**SECTION 487. Qualifications, Powers and Duties.** - (a) No person shall be appointed cooperative officer unless he is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a college degree preferably in business administration with special training in cooperatives or any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have experience in cooperatives organization and management of at least five (5) years in the case of the provincial or city cooperatives officer, and three (3) years in the case of municipal cooperatives officer.

The appointment of the cooperatives officer is optional for the provincial and city governments.

- (b) The cooperatives officer shall take charge of the office for the development of cooperatives and shall:
  - (1) Formulate measures for the consideration of the sanggunian, and provide technical assistance and support to the governor or mayor, as the case may be, in carrying out measures to ensure the delivery of basic services and provision of facilities through the development of cooperatives, and in providing access to such services and facilities;
  - (2) Develop plans and strategies and, upon approval thereof by the governor or mayor, as the case may be, implement the same, particularly those which have to do with the integration of cooperatives principles and methods in programs and projects which the governor or mayor is empowered to implement and which the sanggunian is empowered to provide for under this Code;
  - (3) In addition to the foregoing duties and functions, the cooperatives officer shall:
    - (i) Assist in the organization of cooperatives;
    - (ii) Provide technical and other forms of assistance to existing cooperatives to enhance their viability as an economic enterprise and social organization;
    - (iii) Assist cooperatives in establishing linkages with government agencies and non-government organizations involved in the promotion and integration of the

concept of cooperatives in the livelihood of the people and other community activities;

- (4) Be in the frontline of cooperatives organization, rehabilitation or viability-enhancement, particularly during and in the aftermath of man-made and natural calamities and disasters, to aid in their survival and, if necessary subsequent rehabilitation;
  - (5) Recommend to the sanggunian, and advise the governor or mayor, as the case may be, on all other matters relative to cooperatives development and viability-enhancement which will improve the livelihood and quality of life of the inhabitants; and
- (c) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

### **Article Eighteen. - The Population Officer**

**SECTION 488. Qualifications, Powers and Duties.** - (a) No person shall be appointed population officer unless he is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a college degree with specialized training in population development from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have experience in the implementation of programs on population development or responsible parenthood for at least five (5) years in the case of the provincial or city population officer and three (3) years in the case of the municipal population officer.

The appointment of a population officer shall be optional in the local government unit: Provided, however, That provinces and cities which have existing population offices shall continue to maintain such offices for a period of five (5) years from the date of effectivity of this Code, after which said offices shall become optional.

- (b) The population officer shall take charge of the office on population development and shall:
- (1) Formulate measures for the consideration of the sanggunian and provide technical assistance and support to the governor or mayor, as the case may be, in carrying out measures to ensure the delivery of basic services and provision of adequate facilities relative to the integration of the population development principles and in providing access to said services and facilities;
  - (2) Develop plans and strategies and upon approval thereof by the governor or mayor, as the case may be, implement the same, particularly those which have to do with the integration of population development principles and methods in programs and projects which the governor or mayor is empowered to implement and which the sanggunian is empowered to provide for under this Code;
  - (3) In addition to the foregoing duties and functions, the population officer shall:
    - (i) Assist the governor or mayor, as the case may be, in the implementation of the Constitutional provisions relative to population development and the promotion of responsible parenthood;
    - (ii) Establish and maintain an updated data bank for program operations, development planning and an educational program to ensure the people's participation in and understanding of population development;

- (iii) Implement appropriate training programs responsive to the cultural heritage of the inhabitants; and
- (c) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

#### **Article Nineteen. - The Veterinarian**

**SECTION 489. Qualifications, Powers and Duties.** - (a) No person shall be appointed veterinarian unless he is a citizen of the Philippines, a resident of the local government concerned, of good moral character, a licensed doctor of veterinary medicine. He must have practiced his profession for at least three (3) years in the case of provincial or city veterinarian and at least one (1) year in the case of the municipal veterinarian.

The appointment of a veterinarian officer is mandatory for the provincial and city governments.

- (b) The veterinarian shall take charge of the office for veterinary services and shall:
  - (1) Formulate measures for the consideration of the sanggunian, and provide technical assistance and support to the governor or mayor, as the case may be, in carrying out measures to ensure the delivery of basic services and provision of adequate facilities pursuant to Section 17 of this Code;
  - (2) Develop plans and strategies and upon approval thereof by the governor or mayor, as the case may be, implement the same, particularly those which have to do with the veterinary-related activities which the governor or mayor is empowered to implement and which the sanggunian is empowered to provide for under this Code;
  - (3) In addition to the foregoing duties and functions, the veterinarian shall:
    - (i) Advise the governor or the mayor, as the case may be, on all matters pertaining to the slaughter of animals for human consumption and the regulation of slaughterhouses;
    - (ii) Regulate the keeping of domestic animals;
    - (iii) Regulate and inspect poultry, milk and dairy products for public consumption;
    - (iv) Enforce all laws and regulations for the prevention of cruelty to animals; and
    - (v) Take the necessary measures to eradicate, prevent or cure all forms of animal diseases;
  - (4) Be in the frontline of veterinary related activities, such as in the outbreak of highly-contagious and deadly diseases, and in situations resulting in the depletion of animals for work and human consumption, particularly those arising from and in the aftermath of man-made and natural calamities and disasters;
  - (5) Recommend to the sanggunian and advise the governor or mayor, as the case may be, on all other matters relative to veterinary services which will increase the number and improve the quality of livestock, poultry and other domestic animals used for work or human consumption; and
- (c) Exercise such other powers and perform such other duties and functions as may be

prescribed by law or ordinance.

### **Article Twenty. - The General Services Officer**

**SECTION 490. Qualifications, Powers and Duties.** - (a) No person shall be appointed general services officer unless he is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a college degree on public administration, business administration and management from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired experience in general services, including management of supply, property, solid waste disposal, and general sanitation, of at least five (5) years in the case of the provincial or city general services officer, and at least three (3) years in the case of the municipal general services officer. The appointment of a general services officer is mandatory for the provincial and city governments.

- (b) The general services officer shall take charge of the office on general services and shall:
- (1) Formulate measures for the consideration of the sanggunian and provide technical assistance and support to the governor or mayor, as the case may be, in carrying out measures to ensure the delivery of basic services and provision of adequate facilities pursuant to Section 17 of this Code and which require general services expertise and technical support services;
  - (2) Develop plans and strategies and upon approval thereof by the governor or mayor, as the case may be, implement the same, particularly those which have to do with the general services supportive of the welfare of the inhabitants which the governor or mayor is empowered to implement and which the sanggunian is empowered to provide for under this Code;
  - (3) In addition to the foregoing duties and functions, the general services officer shall:
    - (i) Take custody of and be accountable for all properties, real or personal, owned by the local government unit and those granted to it in the form of donation, reparation, assistance and counterpart of joint projects;
    - (ii) With the approval of the governor or mayor, as the case may be, assign building or land space to local officials or other public officials, who by law, are entitled to such space;
    - (iii) Recommend to the governor or mayor, as the case may be, the reasonable rental rates for local government properties, whether real or personal, which will be leased to public or private entities by the local government;
    - (iv) Recommend to the governor or mayor, as the case may be, reasonable rental rates of private properties which may be leased for the official use of the local government unit;
    - (v) Maintain and supervise janitorial, Security, landscaping and other related services in all local government public buildings and other real property, whether owned or leased by the local government unit;
    - (vi) Collate and disseminate information regarding prices, shipping and other costs of supplies and other items commonly used by the local government unit;
    - (vii) Perform archival and record management with respect to records of offices and departments of the local government unit; and

- (viii) Perform all other functions pertaining to supply and property management heretofore performed by the local government treasurer; and enforce policies on records creation, maintenance, and disposal;
  - (4) Be in the frontline of general services related activities, such as the possible or imminent destruction or damage to records, supplies, properties, and structures and the orderly and sanitary clearing up of waste materials or debris, particularly during and in the aftermath of man-made and natural calamities and disasters;
  - (5) Recommend to the sanggunian and advise the governor or mayor, as the case may be, on all other matters relative to general services; and
- (c) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

## **TITLE SIX. - LEAGUES OF LOCAL GOVERNMENT UNITS AND ELECTIVE OFFICIALS**

### **CHAPTER I - LEAGUES OF LOCAL GOVERNMENT UNITS**

#### **Article One. - Liga ng Mga Barangay**

**SECTION 491.** Purpose of Organization. - There shall be an organization of all Barangays to be known as the liga ng mga Barangay for the primary purpose of determining the representation of the Liga in the sanggunians, and for ventilating, articulating and crystallizing issues affecting Barangay government administration and securing, through proper and legal means, solutions thereto.

**SECTION 492.** Representation, Chapters, National Liga. - Every Barangay shall be represented in said liga by the Punong Barangay, or in his absence or incapacity, by a sanggunian member duly elected for the purpose among its members, who shall attend all meetings or deliberations called by the different chapters of the liga. The liga shall have chapters at the municipal, city, provincial and metropolitan political subdivision levels. The municipal and city chapters of the liga shall be composed of the Barangay representatives of municipal and city Barangays, respectively. The duly elected presidents of component municipal and city chapters shall constitute the provincial chapter or the metropolitan political subdivision chapter. The duly elected presidents of highly-urbanized cities, provincial chapters, the Metropolitan Manila chapter and metropolitan political subdivision chapters shall constitute the National Liga ng mga Barangay.

**SECTION 493.** Organization. - The liga at the municipal, city, provincial, metropolitan political subdivision, and national levels directly elect a president, a vice- president, and five (5) members of the board of directors. The board shall appoint its Secretary and treasurer and create such other positions as it may deem necessary for the management of the chapter. A Secretary-general shall be elected from among the members of the national liga and shall be charged with the overall operation of the liga on the national level. The board shall coordinate the activities of the chapters of the liga.

**SECTION 494.** Ex-Officio Membership in Sanggunians. - The duly elected presidents of the liga at the municipal, city and provincial levels, including the component cities and municipalities of Metropolitan Manila, shall serve as ex-officio members of the Sangguniang Bayan, Sangguniang Panlungsod, Sangguniang Panlalawigan, respectively. They shall serve as such only during their term of office as presidents of the liga chapters, which in no case shall be beyond the term of office of the sanggunian concerned.

**SECTION 495.** Powers, Functions and Duties of the Liga. - The Liga shall:



- (a) Give priority to programs designed for the total development of the Barangays and in consonance with the policies, programs and projects of the national government ;
- (b) Assist in the education of Barangay residents for people's participation in local government administration in order to promote united and concerted action to achieve country-wide development goals;
- (c) Supplement the efforts of government in creating gainful employment within the Barangay;
- (d) Adopt measures to promote the welfare of Barangay officials;
- (e) Serve as a forum of the Barangays in order to forge linkages with government and non-governmental organizations and thereby promote the social, economic and political well-being of the Barangays; and
- (f) Exercise such other powers and perform such other duties and functions which will bring about stronger ties between Barangays and promote the welfare of the Barangay inhabitants.

### **Article Two. - League of Municipalities**

**SECTION 496.** Purpose of Organization. - There shall be an organization of all municipalities to be known as league of municipalities for the primary purpose of ventilating, articulating and crystallizing issues affecting municipal government administration, and securing, through proper and legal means, solutions thereto. The league shall form provincial chapters composed of the league presidents for all component municipalities of the province.

**SECTION 497.** Representation. - Every municipality shall be represented in the league by the municipal mayor or in his absence, by the vice-mayor or a sanggunian member duly elected for the purpose by the members, who shall attend all meetings and participate in the deliberations of the league.

**SECTION 498.** Powers, Functions and Duties of the League of Municipalities. - The league of municipalities shall:

- (a) Assist the national government in the formulation and implementation of the policies, programs and projects affecting municipalities as a whole;
- (b) Promote local autonomy at the municipal level;
- (c) Adopt measures for the promotion of the welfare of all municipalities and its officials and employees;
- (d) Encourage people's participation in local government administration in order to promote united and concerted action for the attainment of country-wide development goals;
- (e) Supplement the efforts of the national government in creating opportunities for gainful employment within the municipalities;
- (f) Give priority to programs designed for the total development of the municipalities in consonance with the policies, programs and projects of the national government;
- (g) Serve as a forum for crystallizing and expressing ideas, seeking the necessary assistance of the national government, and providing the private sector avenues for cooperation in the promotion of the welfare of the municipalities; and

- (h) Exercise such other powers and perform such other duties and functions as the league may prescribe for the welfare of the municipalities.

### **Article Three. - League of Cities**

**SECTION 499.** Purpose of Organization. - There shall be an organization of all cities to be known as the League of Cities for the primary purpose of ventilating, articulating and crystallizing issues affecting city government administration, and securing, through proper and legal means, solutions thereto. The League may form chapters at the provincial level for the component cities of a province. Highly-urbanized cities may also form a chapter of the League. The National League shall be composed of the presidents of the league of highly-urbanized cities and the presidents of the provincial chapters of the league of component cities.

**SECTION 500.** Representation. - Every city shall be represented in the league by the city mayor or in his absence, by the city vice-mayor or a sanggunian member duly elected for the purpose by the members, who shall attend all meetings and participate in the deliberations of the league.

**SECTION 501.** Powers, Functions and Duties of the League of City. - The league of cities shall:

- (a) Assist the national government in the formulation and implementation of the policies, programs and projects affecting cities as a whole;
- (b) Promote local autonomy at the city level;
- (c) Adopt measures for the promotion of the welfare of all cities and its officials and employees;
- (d) Encourage people's participation in local government administration in order to promote united and concerted action for the attainment of country-wide development goals;
- (e) Supplement the efforts of the national government in creating opportunities for gainful employment the cities;
- (f) Give priority to programs designed for the total development of cities in consonance with the policies, programs and projects of the national government;
- (g) Serve as a forum for crystallizing and expressing ideas, seeking the necessary assistance of the national government and providing the private sector avenues for cooperation in the promotion of the welfare of the cities; and
- (h) Exercise such other powers and perform such other duties and functions as the league may prescribe for the welfare of the cities.

### **Article Four. - League of Provinces**

**SECTION 502.** Purpose of Organization. - There shall be an organization of all provinces to be known as the League of Provinces for the primary purpose of ventilating, articulating and crystallizing issues affecting provincial and metropolitan political subdivision government administration, and securing, through proper and legal means, solutions thereto. For this purpose, the Metropolitan Manila Area and any metropolitan political subdivision shall be considered as separate provincial units of the league.

**SECTION 503.** Representation. - Every province shall be represented in the league by the

provincial governor or in his absence, by the provincial vice-governor or a sanggunian member duly elected for the purpose by the members, who shall attend all meetings and participate in the deliberations of the league.

**SECTION 504.** Powers, Functions and Duties of the League of Provinces. - The league of provinces shall:

- (a) Assist the national government in the formulation and implementation of the policies, programs and projects affecting provinces as a whole;
- (b) Promote local autonomy at the provincial level;
- (c) Adopt measures for the promotion of the welfare of all provinces and its officials and employees;
- (d) Encourage peoples participation in local government administration in order to promote united and concerted action for the attainment of countrywide development goals;
- (e) Supplement the efforts of the national government in creating opportunities for gainful employment within the province;
- (f) Give priority to programs designed for the total development of the provinces in consonance with the policies, programs and projects of the national government;
- (g) Serve as a forum for crystallizing and expressing ideas, seeking the necessary assistance of the national government and providing the private sector avenues for cooperation in the promotion of the welfare of the provinces; and
- (h) Exercise such other powers and perform such other duties and functions as the league may prescribe for the welfare of the provinces and metropolitan political subdivisions.

#### **Article Five. - Provisions Common to all Leagues**

**SECTION 505.** Funding. (a) All leagues shall derive its funds from contributions of member local government units and from fund-raising projects and activities without the necessity of securing permits therefor: Provided, That the proceeds from said fund-raising projects and activities shall be used primarily to fund the projects for which the said proceeds have been raised, subject to the pertinent provision of this Code and the pertinent provisions of the Omnibus Election Code.

- (b) All funds of leagues shall be deposited as trust funds with its treasurer and shall be disbursed in accordance with the board of director's resolutions, subject to pertinent accounting and auditing rules and regulations: Provided, That the treasurer shall be bonded in an amount to be determined by the board of directors. The funds of a chapter shall be deposited as chapter funds and funds of the national league shall be deposited as national funds.

**SECTION 506.** Organizational Structure. - To ensure the effective and efficient administration, the leagues for municipalities, cities and provinces shall elect chapter- level and national-level boards of directors and a set of officers headed by the president. A secretary-general shall be chosen from among the national league members to manage the day to day operation and activities of the national league. The board of directors on the chapter or national level may create such other positions as may be deemed necessary for the management of the chapters and of the national league. The national board of directors of the leagues for municipalities, cities or provinces shall coordinate programs, projects and activities of chapter and the national-level league.

**SECTION 507.**- Constitution and By-laws of the Liga and the Leagues. - All other matters not herein otherwise provided for affecting the internal organization of the leagues of local government units shall be governed by their respective constitution and by-laws which are hereby made suppletory to the provision of this Chapter: Provided, That said Constitution and By-laws shall always conform to the provisions of the Constitution and existing laws.

## **CHAPTER 2 - LEAGUES AND FEDERATIONS OF LOCAL ELECTIVE OFFICIALS**

**SECTION 508.** - Organization - (a) Vice-governor, vice-mayors, sanggunian members of Barangays, municipalities, component cities, highly-urbanized cities and provinces, and other elective local officials of local government units, including those of the Metropolitan Manila area and any metropolitan political subdivisions, may form their respective leagues or federation, subject to applicable provisions of this Title and pertinent provisions of this Code;

- (b) Sanggunian members of component cities and municipalities shall form a provincial federation and elect a board of directors and a set of officers headed by the president. The duly elected president of the provincial federation of sanggunian members of component cities and municipalities shall be an ex-officio member of the Sangguniang Panlalawigan concerned and shall serve as such only during his term of office as president of the provincial federation of sanggunian members of component cities and municipalities, which in no case shall be beyond the term of office of the Sanggunian Panlalawigan concerned.

**SECTION 509.** Constitution and By-laws. - The leagues or federations shall adopt a Constitution and by-laws which shall govern their internal organization and operation: Provided, That said Constitution and by-laws shall always conform to the provision of the Constitution and existing laws.

**SECTION 510.** Funding. - The leagues and federations may derive their funds from contributions of individual league or federation members or from fund-raising projects or activities. The local government unit concerned may appropriate funds to support the leagues or federation organized pursuant to this Section, subject to the availability of funds.