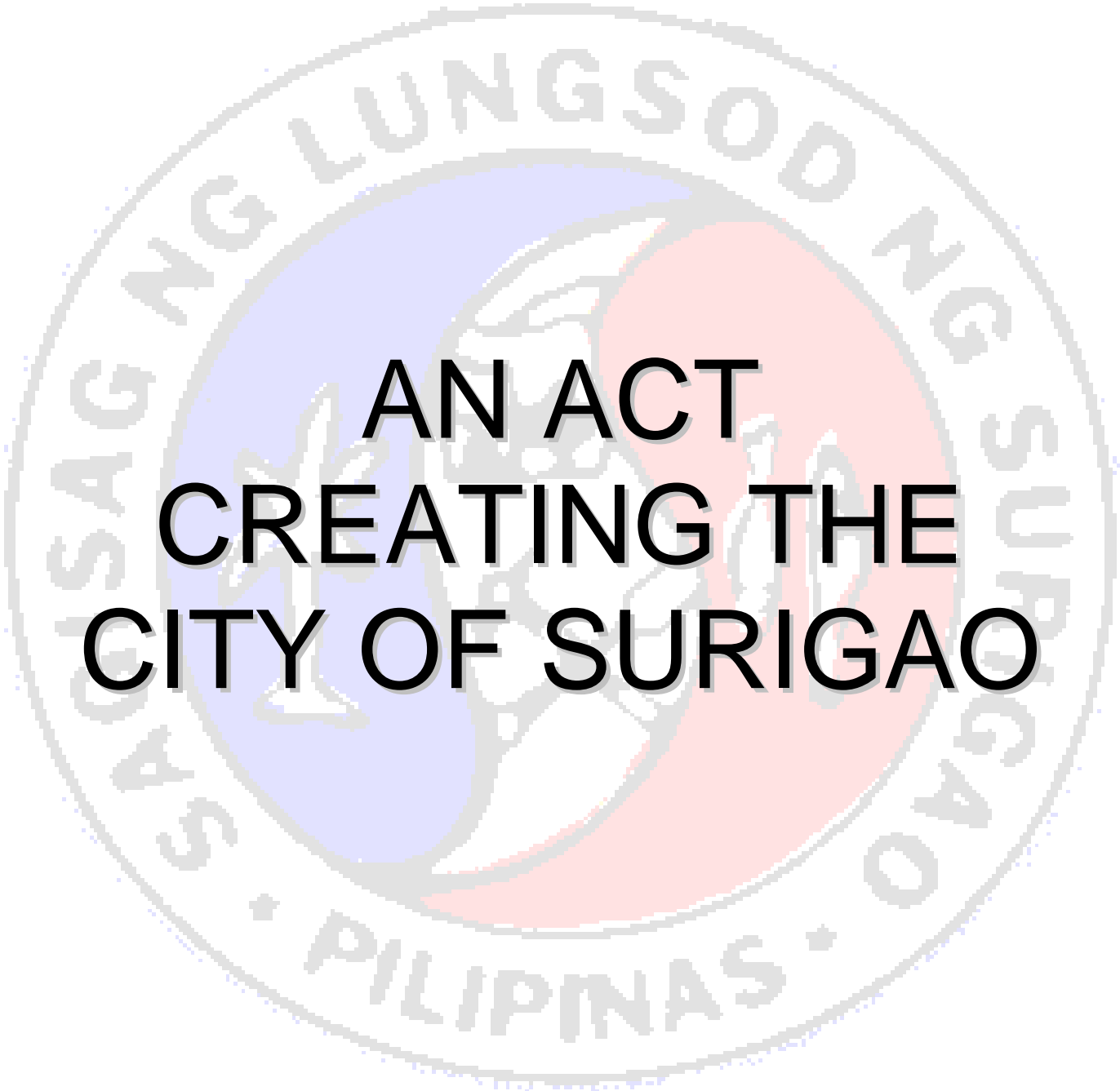


REPUBLIC ACT No. 6134



AN ACT
CREATING THE
CITY OF SURIGAO

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Seventh Congress)
of the Republic of the Philippines) H. No. 1220
Second Special Session)

Republic Act no. 6134

AN ACT CREATING THE CITY OF SURIGAO

Be it enacted by the Senate and House of Representatives
of the Philippines in Congress assembled:

PRELIMINARY ARTICLE

Sec. 1. **Title of Act.** - This Act shall be known as the **Charter of the City of Surigao.**

ARTICLE 1 - GENERAL PROVISIONS

Sec. 2. **Corporate character of the City.** - The City of Surigao constitutes a political body corporate and is with the attributes of perpetual succession and possessed of the powers which pertain to a municipal corporation, to be exercised in conformity with the provisions of this Charter.

Sec. 3. **Territory of the City of Surigao.** - The city of Surigao, which is hereby created, shall comprise the present territorial jurisdiction of the Municipality of Surigao in the Province of Surigao Del Norte excluding the barrios of Punta Bilar, Ipil, Mabua and Danao and their respective sitios, or as changed hereafter according to law.

Sec. 4. **Seal and General Powers of the City.** - The City shall have a common seal, which it may alter at will. It may take, purchase, receive, hold, lease convey, and dispose of real and personal property within and without its corporate limits for the general interest of the city, condemn private property for public use, contract and be contracted with, sue and be sued, prosecute and defend, to final judgment and execution, all actions where its interests are involved, and exercise all the powers herein conferred, together with all the powers implied thereby or appropriate to the exercise thereof. The provisions of this Charter shall be liberally construed in favor of the city, to the efficient conduct of its municipal affairs. The specific mention of particular powers in other sections of this Charter shall not be construed as limiting the powers of the city in the premises to those thus mentioned.

Sec. 5. **Liability for Damages.** - The City shall not be liable or held for damages or injuries to the person or property arising from the failure of the City Board, the Mayor or any other city officers or employee, jointly or individually, to enforce the provisions of this Charter or any other law or ordinance, or from the negligence of said City Board, Mayor or other city officers or employees while enforcing to the enforce said provisions.

Sec. 6. **Jurisdiction of the city for police purposes.** - The jurisdiction of the City of Surigao for police purposes shall be co-extensive with its territorial jurisdiction, and shall extend three miles from the shore of the city, but for the purpose of protecting and insuring and purity of the water supply of the city, police jurisdiction shall also extend all territory within the drainage area of such water supply or within one hundred meters of any reservoir, conduit, canal, aqueduct, or pumping station used in connection with city service.

The City Court shall have concurrent jurisdiction with the municipal courts of the municipalities, to try crimes and misdemeanors committed within said drainage, or within said spaces of one hundred meters. The Court first taking jurisdiction of such an offense shall thereafter retain exclusive jurisdiction thereof.

Sec. 7. Districts; Administrative Councilor Districts. - The barrios and districts in the Municipality of Surigao organized and functioning as barrios in accordance with Republic Act Numbered Thirty-five Hundred Ninety and comprising the municipality of Surigao shall, upon the effective date of this Charter, be called districts as political subdivisions of the City of Surigao and continue to retain their corporate power and corresponding names or numerical designations as such until changed or abolished by law or ordinance.

The City Board by ordinance and for administrative and other municipal purposes shall establish eight Councilor Districts, each of which shall be under the charge of a councilor whose territory shall be contiguous, and may compose of one or more whole districts.

Sec. 8. Duties, responsibilities and powers over district governments. - The City Government or its department, agencies or the officers thereof, as the case may be, shall exercise the duties and assume the responsibilities and powers over the district governments within the jurisdiction of the city as are by law conferred upon municipal and provincial governments, their departments, their agencies or their officers as the case may be, over barrio governments; including the creation of new ones.

Sec. 9. Elective officers; elections. - The elective officers of the city shall be the Mayor, the Vice-Mayor, and eight councilors, all of whom shall be elected at large by the qualified voters of the city on the date of the regular elections for provincial and municipal officials, in conformity with the provisions of the Revised Election Code, and shall assume office on the first day of January next following their election, upon qualifying, and shall hold office for four years and until their successors shall have been duly elected and qualified, unless sooner removed for cause as provided for cause as provided for by law.

Sec.10. General qualifications of elective officers. - In addition to any special qualifications prescribed by this Charter, all elective officers of the city shall be qualified and registered electors of the city, at least five years prior to his notary public or membership in the Armed Forces Reserve nor any other employment with the city or the National Government or any province or municipality.

Sec.11. Removal of elective officers by the President. - Any elective city officers may be removed by the President of the Philippines on proof of disloyalty to the Philippine Republic, but shall be entitled as a matter of right to notice and hearing before he may be removed, or upon conviction by final judgement by a competent court of any crime involving moral turpitude. The President may suspend such officer accused of disloyalty to the Philippine Republic for a period not exceeding thirty days pending the preparation and disposition of the charges: Provided however, That should the accused be acquitted, he shall be reinstated and shall be entitled to the payment of any salary which he failed to receive during his suspension

Sec. 12. Disqualifying acts and practices. - No officer or employee of the city shall give promise to give any portion of his compensation or any money or valuable thing to any person in consideration of his having been nominated, elected, appointed or employed as such officer or employee. No officer or employee of the city shall willfully violate any provision of law relating to his office or employment, or commit any fraud upon the city or convert any of the public property to his own use or knowingly permit any other person to do so. No officer or employee of the city shall,

directly or indirectly, coerce or intimidate or attempt, directly or indirectly, to coerce or intimate, any officer or employee in the classified service of the city with a view to causing any such classified officer or employee involuntarily to resign his office or employment in the city. Any person convicted of any offense mentioned in this section, in addition to any other penalties imposed by law, shall forfeit his city office or employment.

Sec. 13. **Prohibited transactions.** - It shall be unlawful for any city officer or employee or any person related to any city officer or employee within the fourth civil degree, directly or indirectly, individually or as a member of a firm to engage in any business transaction with the city; or with any of its authorized official, boards, agents, or attorney, whereby money is to be paid, directly or indirectly, out of the resources of the city to such person or firm; or to purchase any real estate or other property belonging to the city, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of the city; or to be surety for any person having a contact or doing business with the city, for the performance of which security may be required; or to be surety on official bond of any officer or employee of the city; or to have a financial interest in any transaction or contract with the city or in which the city is an interested party; or to appear as counsel to defend any person or corporation against whom the city may have filed suit. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee found guilty thereof shall thereby forfeit his city office or employment.

Sec. 14. **Full-time duty.** - Each appointive city officer and employee shall devote his time and attention exclusively during the prescribed office hours to the duties of his office or offices unless otherwise provided for in this Charter. No city officer or employee shall hold more than one office unless expressly so provided by law. But this section shall not apply to other persons discharging public duties in the city under the National Government who receive no compensation for their services.

Sec. 15. **Salaries.** - Unless otherwise specified in this Charter, the salaries and other emoluments of the officials and employees of the City of Surigao shall be fixed in accordance with subsisting salary laws and with regulations.

Sec. 16. **Investigations and inquiries.** - Upon a written formal complaint made under oath, which on its face provides reasonable basis to believe that some anomaly or irregularity might have been committed, the City Board or the Mayor or any person or committee authorized by either of them, shall have power to inquire into the official conduct of any department, agency or officer or employee of the city and to make investigation as to city affairs, and for the purpose may subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence.

Sec. 17. **Official bonds.** - The City Treasurer and all his deputies, and such other city offices or employees as the City Board may be ordinance require so to do, shall give bond in such amount and with such surety as may be approved by the Mayor. All such bonds shall be in favor of the city; and the premiums therein shall be paid by the city.

Sec. 18. **Limitations on contract for personal services.** - No contract for personal services to be furnished the city shall extend beyond the term of the Mayor in office from the time the contract is approved; nor shall any such contract be valid unless made or approved by ordinance.

Sec. 19. **Tax Limitation.** - The City Board may levy an annual tax on real estate in the city not exempt from taxation at a rate not to exceed two per centum and valorem; **Provided**, that the City Board, may levy an additional tax annually on all taxable real estate in the city at a rate not to exceed one per centum ad valorem on the condition that all proceeds from said additional levy shall

be credited to and paid into a special restricted fund, to be known as the Capital Improvement Fund, to be expended exclusively for the financing of capital projects as herein defined. For the purposes of this section, the words "capital projects" shall be construed to mean any of the following: (a) Any physical public betterment or improvement and any engineering, architectural or other similar studies and surveys, thereon; (b) the acquisition of property of a permanent nature, including sites for city buildings, roads or other public facilities; and (c) the purchase of equipment for any public betterment or improvement when first erected or acquired. Expenditures from any capital improvement fund so established shall be made only as authorized by ordinances, duly adopted and approved, making appropriations therefor.

Sec. 20. **Debt Limits.** - Any other law to the contrary notwithstanding, the city may incur indebtedness or other obligation to the payment of which the faith and credit of the city is pledged at an amount not exceeding twenty per centum of the total assessed value of the taxable real estate of the city.

As used in this section, the term "indebtedness" shall be construed to be the net figure obtained by deducting from the total outstanding indebtedness of the city all sinking fund assets and other reserves inviolably pledged or committed to its payment or retirement. The words "total outstanding indebtedness of the city", as herein used, shall be construed to include all indebtedness contracted in the previous year or years, whether bonded or of any kind whatsoever, but excluding the budgeted or estimated operating expenses of the city for the current fiscal year. For the purposes of this section, the assessed value of taxable real estate in the city shall be that used as basis for the city tax levy for the fiscal year next preceding that in which the indebtedness is incurred.

ARTICLE II - OFFICE OF THE MAYOR, THE VICE MAYOR, AND THE CITY SECRETARY

Sec. 21. **Nature of office.** - The Mayor shall be the chief executive of the city and as such shall have immediate control over the executive functions of the different departments and agencies of the city, subject to the general supervision of the President as may be provided for by law. The City Board may in its discretion, provide for by law. The City Board may in its discretion, provided quarters for the Mayor or commute the privilege of using the same in addition to his salary provided that quarter allowance when commuted shall not exceed twenty-four hundred pesos per annum. He shall be entitled to other non-commutable allowances not to exceed five thousand pesos per annum.

Sec. 22. **General powers and duties of the Mayor.** - The Mayor shall have the following general powers and duties:

(a) To take care that the laws of the Philippines, the provisions of this Charter, the ordinances and resolutions of the city are faithfully observed and enforced within the jurisdiction of the city;

(b) To safeguard all the lands, buildings, records, monies, credits and property and rights of the city, and subject to the provisions of this Charter, have control of all its property;

(c) To see that all taxes and other revenues of the city are collected and applied in accordance with appropriations to the payments of the city expenses;

(d) To cause to be instituted judicial proceedings to recover property and funds of the city wherever found; to cause to be defended all suits against the city and otherwise to protect the interest of the city;

(e) To see that the executive offices and employees of the city are properly discharging their respective duties, and the Mayor may, in the interest of service, transfer officers and employees not appointed by the President of the Philippines from one section, division, service or department, to another section, division, service or department without changing the compensation they receive;

(f) To examine and inspect the books, records, and papers of all officials, agents, and employees of the city, over whom he has executive supervision and control, at least once a year and whenever circumstances so warrant. For this purpose, he shall be provided by the City Board with such clerical or other assistance as may necessary;

(g) To give such information and recommend such measures to the Board as he shall deem advantageous to the city;

(h) To attend, if he wishes to do so, the session of the City Board and participate in the discussion, but not to vote;

(i) To represent the city in all its business matters and sign in its behalf all its bonds, contracts, and obligations made in accordance with law or ordinance;

(j) To submit to the City Board at least one month before the beginning of each fiscal year a budget of receipts and expenditures of the city;

(k) To receive, hear, and decide as he may deem proper the protest, petitions, complaints, and claims concerning all classes municipal matters of an administrative and executive character;

(l) To grant or refuse city licenses or permits of all classes, including permits for benefits of whatever kind, any provision of law to the contrary notwithstanding, and to revoke the same for violation of the conditions upon which they were granted, or if acts prohibited by law or city ordinance are being committed under the protection of such licenses or in the premises in which the business for which the same have been granted is carried on, or for any other good reason of general and public interest;

(m) To take such emergency measures as may be necessary to avoid fires, floods, and the effects of storm and other public calamities;

(n) To request, if public interest and safety so require, the assistance of the Philippine Constabulary and other police agencies of the National Government in maintaining peace and order in the city and only in such cases and upon specific request made can the Philippine Constabulary or other national police agencies intervene in the preservation of peace and order in the city;

(o) Subject to the provisions of the City Service Law and rules, to appoint all officers and employees whose salaries are paid wholly or partly from city fund, any existing law to the contrary notwithstanding, except such officers whose appointments are vested in the President or otherwise provided for in this Charter, and regular employees in the city auditor's office. Officers and employees appointed by the Mayor may be suspended by him in accordance with the provisions of existing laws and regulations. The Mayor may investigate or order the investigation of any city

officer or employee not appointed by him and may recommend to the President or to the proper national department head the suspension or removal of such officer or employee;

(p) To prepare and make out plans for the physical development of the city, zoning and land subdivision rules and regulations, subject to the approval of the City Board, in accordance with existing laws to that effect;

(q) To submit an annual report to the Office of the Executive Secretary; and

(r) To perform such other duties and exercise such other executive powers as may be prescribed by law or ordinances.

Sec. 23. The Vice-Mayor. - The Vice-Mayor shall perform the duties and exercise the powers of the Mayor in the event of death, resignation or permanent incapacity of the Mayor for the period of the unexpired term of the latter. If, for any reason, the Mayor is temporarily incapacitated to perform the duties of his office because of absence on leave, sickness, or any temporary incapacity, the Vice-Mayor shall perform the duties and exercise the powers that may be delegated to him in writing by the Mayor, during the period of the Mayor's temporary incapacity or absence. The Vice-Mayor shall be the presiding officer of the City Board. If the Vice-Mayor is temporarily incapacitated for the performance of his official duties, the councilor who received the highest number of votes in the last elections shall serve as Acting Vice-Mayor. In the event of the inability of the elected Mayor to assume office, and the Vice-Mayor is, for any reason, temporarily incapacitated for the performance of the duties of the Mayor, or the office of the Vice-Mayor is vacant, the councilor who received the highest number of votes in the last elections shall serve as Acting Mayor and while so serving shall not perform any duty as a member of the Board but shall elect from among themselves the presiding officer. For service as Acting Mayor or Acting Vice-Mayor, the Vice-Mayor or Councilor shall receive a total compensation equivalent to the salary and other emoluments of the Mayor or Vice-Mayor, as the case may be, during such period.

Should the Mayor-elect die before assumption of office or fail to qualify for any reason, then the Vice-Mayor elect shall assume the office of Mayor, but in the latter case, he shall hold such office only until the Mayor-elect qualifies. Should the Vice-Mayor-elect die before assumption of office or fail to qualify for any reason, then the councilor obtaining the largest number of votes in the local election immediately preceding shall assume the office of Vice-Mayor but in the latter case, he shall hold office only until the Vice-Mayor-elect qualifies.

The Vice-Mayor shall perform such other duties as may be assigned to him by the Mayor or prescribed by law or ordinance. He may be provided by the City Board with quarters, commutable and non-commutable allowances similar to those of the Mayor, but the amount of the latter shall not exceed eighty per centum of that of the Mayor.

Sec. 24. Secretary to the Mayor or the City Secretary. - The Mayor, any provision of law to the contrary notwithstanding, shall appoint one secretary who shall have charge and custody of all records and documents of the city and of any office or department thereof for which provision is not otherwise made; shall keep the corporate seal and affix the same with his signature to all ordinances and regulations signed by the Mayor and all other official documents and papers of the government of the city as may be required by custom, in the discretion of the Mayor; shall attest all executive orders, promulgation, ordinances and resolutions signed by the Mayor and shall perform such other duties as the Mayor may required of him; shall, on demand, furnish certified copies of all city records and documents in his charge which are not of a confidential character and collect and receive such fees as may be prescribed by resolution of the City Board, and pay over such fees

collected by him to the City Treasurer. He shall perform also such duties as are required of the heads of the department of the city government and for the purpose of this section, the secretary shall be regarded as within the unclassified positions are filled, and, if so filled, the appointee shall be entitled to all the benefits and privileges of classified employees, except that he shall hold office only during the term of office of the appointing Mayor and until a successor in the office of secretary is appointed and qualified, unless sooner separated for or without cause by the Mayor.

ARTICLE III - THE CITY BOARD

Sec. 25. Constitution and organization of the City Board; filling of vacancies. - The City Board shall be composed of the Vice-Mayor, who shall be its presiding office, the eight elected councilors. The presiding office of the Board shall have the right to vote only in case of a tie. He shall sign all ordinances, resolutions, and motions directing the payment of money or creating liability enacted or adopted by the City Board.

Should any member of the City Board be a candidate for office in any election, he shall be disqualified to act with the Board in the discharge of the duties conferred upon it relative to election matters, and in such case the other members of the Board shall discharge said duties without his assistance or they may choose a disinterested elector of the city to act with the Board in such matters in his stead.

Should a member-elect die before assumption of office or such member-elect fail to qualify for any reason, the President may, at his discretion, either call a special election or fill the office by appointment. Permanent vacancies occurring after assumption of office shall be filled by appointment by the President of a suitable person belonging to the political party of the office whom he is to replace.

Sec. 26. Appointment and duties of the Secretary of the Board. - The Board shall have a secretary who shall be appointed by the Mayor with the consent of the City Board and who shall serve at the pleasure of the appointing power.

The secretary shall be in charge of the records of the City Board. He shall keep a full record of the proceedings of the Board, and file all documents relating thereto; shall record, in a book kept for the purpose, all ordinances, and all resolutions directing the payment of money or creating liability, enacted or adopted by the Board, with dates of passage of the same and of the publication of ordinances; shall keep a seal, circular in form, with the inscription "City Board - City of Surigao", in the center of which shall be the coat of arms of the city, and affix the same, with his signature to all ordinances and other official acts of the Board, and shall present the same for signature to the presiding officer of the Board. He shall forward to the Mayor all ordinances, resolutions or motions requiring the latter's approval and shall cause each ordinance to be published or posted as herein provided. He shall, upon request, furnish copies of all records of public character in his charge under the seal of his office and charge fees for the certification thereof as the City Board may prescribe by ordinance, the fees to be paid directly to the City Treasurer. He shall keep his office and all records therein which are not of a confidential character open to public inspection during usual business hours. He shall have and perform such other duties and powers as the Board may direct.

The position of Secretary to the Board shall be regarded as within the unclassified service but may be filled in the manner in which classified positions are filled, and, if so filled, the appointee shall be entitled to all privileges and benefits of classified employees, except that he shall hold

office only during the term of office of the appointing Mayor and until a successor in the office of secretary to the Board is elected and qualified unless sooner separated for or without cause by the Mayor or by at least two thirds majority vote of all the members of the City Board.

Sec. 27. Legislative procedure and publication of ordinances. - The first meeting of the newly City Board shall be held at nine o'clock in the morning of the first business day of January following its election, after which the Board shall meet regularly in session at such times and on such days as may be prescribed by resolution but not less frequently than once for three days every first and third week of every month, and such extra-ordinary sessions as may be called at the instance of the Mayor or the request of any three members of the Board and upon at least twelve hours notice to each member. It shall keep a record of its proceedings and determine its own order of business and rules of procedure not herein set forth. It shall have the power to punish any member for disorderly conduct with the concurrence of at least two-thirds vote of all its members; may suspend for not more than sixty days any member and by the same vote, but subject to the approval of the President, may expel a member. Five members of the Board shall constitute a quorum for the transaction of business but a smaller number may adjourn from day to day and Vice-Mayor may compel the immediate attendance of any member absent without good cause by issuing to the police of the city an order for his arrest and production at the session under such penalties as shall have been previously prescribed by ordinance. Five affirmative votes shall be necessary for the passage of any ordinance creating liability. All other acts of the City Board, unless provided for in its rules, shall prevail upon the majority vote of the members present at any meeting duly called and held. Except in cases where the vote is unanimous, the yeas and nays shall be taken and recorded upon the passage of any ordinance and upon the request of any member, upon any other resolution or motion. Except as may be otherwise expressly provided in this Charter, all legislation, including but not limited to all acts establishing a fine or other penalty or providing for the expenditure of public funds or for the contracting for the expenditure of public funds or for the contracting of indebtedness or liability, shall be by ordinance.

Each ordinance shall contain a single purpose of enactment which must be expressed in the title of the ordinance and begin with the words: "The Board of the City of Surigao hereby ordains." Each ordinance and each resolution shall be presented in writing and read in full before a vote is taken thereon, provided that the reading of the resolution may be dispensed with by unanimous consent. Except for emergency ordinances, which shall be so certified by the Mayor, and appropriation ordinance, no ordinance shall be passed unless the same is published once in a manner determined by the City Board and until at least two days have elapsed between its last publication and final passage.

Sec. 28. Procedures as to ordinance following passage; Mayor's veto. - Each ordinance and each resolution and each resolution approved or adopted by the Board after having been signed by the Secretary and presiding officer of the City Board shall be forwarded to the Mayor for his approval. Within ten days after the receipt of the same, non-working days excepted, the Mayor shall return it to the Board with his approval or veto. If he does not return it within that time, it shall be deemed to be approved. If he returns it with his veto, his reason therefor in writing shall accompany it. It may then be again enacted by the affirmative votes of six members of the City Board, and again returns it with his veto, it may again be re-enacted by the affirmative votes of six members of the City Board and in such a case, the ordinance is deemed approved.

The Mayor shall have the power to veto any particular item or items of an appropriation ordinance or of an ordinance or resolution directing payment of money or creating liability, but the veto shall not affect the item or items to which he does not object. In such a case, the approved items shall take effect and the disapproved items shall not take effect, unless subsequently

approved by the City Board in the manner heretofore provided in this section with respect to vetoed ordinances and resolutions. Should an item or items in an appropriation ordinance be disapproved by the Mayor, the corresponding item or items in an appropriation ordinance of the previous year shall be deemed restored unless otherwise expressly directed in the veto. Each approved resolution and ordinance shall be sealed with the seal of the City Board signed by the presiding officer of the City Board and the secretary and recorded in the book kept for the purpose. Except appropriation ordinance and those certified to as urgent by the Mayor, all ordinance shall be published within five days after their approval and shall take effect and be in force on the fifteenth day following its publication if not date is fixed in the ordinance.

Sec. 29. Legislative powers. - Any provision of law and executive order to the contrary notwithstanding, the City Board shall have the following powers:

(a) To make all appropriations for the expenses of the government and for purposes not specified by law, having in mind the general welfare of the city and its inhabitants. To establish and fix the number of official and employees of the city and fix the salaries of the city officials and employees whose salaries are not otherwise provided specifically in this Charter, provided that the rates thereof shall not exceed those fixed in the schedule of salaries established by existing law. Increases of salaries of employees shall be made upon prior recommendation by the corresponding department head.

(b) To impose municipal license taxes or fees upon persons engaged in any occupation or business or exercising privilege within the territorial jurisdiction of the city by requiring them to secure licenses at rates fixed by the City Board, to collect fees and charge for services rendered by the city or otherwise to levy for public purpose just and uniform taxes, licenses or fees: Provided, however, That the City of Surigao may not impose or levy any of the following:

1. Residence tax;
2. Documentary stamp tax;
3. Taxes on business of persons engaged in printing and publication of any newspaper, magazine, review or bulletin appearing at regular intervals and having fixed prices for subscription and sale, and which is not published primarily for the purpose of publishing advertisements;
4. Taxes on persons operating waterworks, irrigation and other public utilities except electric light, heat and power, motorized tricycles, and public conveyances propelled by muscular power;
5. Taxes on forest products and forest concessions;
6. Taxes on estates, inheritances, gifts, legacies, and other acquisitions mortis causa;
7. Taxes on income of any kind whatsoever;
8. Taxes or fees for the registration of motor vehicles and for issuance of all kinds of licenses or permits for the driving thereof;
9. Customs duties registration, wharfage on wharves owned by the National Government, tonnage on bottoms, and all other kinds of custom fees, charges and dues;
10. Taxes of any kind on banks, insurance companies, and persons paying franchise tax; and
11. Taxes on premiums paid by owners of property who obtain insurance directly with foreign insurance companies.

(c) To make ordinances and regulations for the conducting of business and the places and premises whereon conducted or to be conducted by the persons subject to taxes, license fees, permit fees and other city impost as provided in subsection (b) hereabove.

(d) To fix by ordinance, the schedule of maximum rates of fares and charges to be charged by public conveyances operating in the city such as motorized tricycles and rigs, pedicabs and other vehicles propelled by muscular power, the business and operation of which, by this Charter or other laws in relation thereto, the City of Surigao has the power to tax and regulate.

(e) To regulate the business and fix the location of blacksmith shops, foundries, steam boilers, steam engines, lumber yards, sawmills and other establishments likely to endanger the public safety by giving rise to conflagrations or explosions; to regulate the storage and sale of gunpowder, tar, pitch, resin, coal, oil, gasoline, benzine, turpentine, hemp, cotton, nitroglycerine, petroleum, or any of the products thereof and all other highly combustible or explosive materials.

(f) To regulate the use of streets and public places by vehicles, to regulate garages and stables and the keeping of carriages, carts, and other conveyances for hire, and to designate stands to be occupied by public vehicles when not in use.

(g) To provide for the construction and maintenance of, and regulate the navigation on, canals, and water courses within the city and provide for the clearing and purification of the same; unless otherwise provided by law, to provide for the construction and maintenance of, and regulate the use of public landing places, wharves, piers, docks and leaves, and of those of private ownership.

(h) Subject to the provisions of the Public Service Act, to fix the charges to be paid by all water and aircraft landing at or using public wharves, docks, levees, landing places owned, operated, managed or controlled by the city.

(i) To provide for the erection, purchase or rental and maintenance of buildings necessary for the use of the city.

(j) To establish fire limits and regulate the kinds of buildings and structure that may be erected within said limits and the manner of constructing and repairing the same and fix the fees for the permit for the repair or demolition of buildings and structures in fire zones and elsewhere in the city.

(k) To erect engine houses, and provide fire engines, hose carts, hooks and ladders, and other equipment for the prevention and extinguishment of fires, and to provide for the management and use of the same.

(l) To regulate or restrict the use of lights and electricity in stables, shops and other buildings and places, and to regulate or restrict the building of bonfires and the use of firecrackers, fireworks, torpedoes, candles, skyrockets and pyrotechnic displays and to fix the fees for such permits.

(m) To make suitable provisions to insure the public safety from conflagration and mitigate the effects of storm and other public calamities, and to provide relief for persons suffering from the same.

(n) To provide for the lighting, cleaning and sprinkling of streets and public places; to prevent and remove encroachments and obstructions upon the same; to regulate or prevent the use of the same for processions, signs, signposts, awnings and awning posts; to prohibit the placing, depositing, leaving or throwing of all garbage, refuse, or other offensive matter in the same, and to provide for its collection and disposition; to regulate the opening therein for the laying of gas, water sewers, and drains, and all structures thereunder, the erecting of poles, and stringing of wires therein; to provide for and regulate crosswalks, curbs, and gutters therein; to name and change the names of all streets and public places and provide for and regulate the numbering of houses and lots fronting thereon; to regulate traffic and sale upon the same; to abate nuisances in the same and punish the authors or owners thereof; to construct; maintain and regulate the use of bridges, viaducts and culverts; to prevent and regulate amusements having tendency to annoy persons using the streets or public places, or to frighten horses and other animals; to regulate the speed of horses and other animals, vehicles and locomotives within the limits of the city.

(o) To require property owners by ordinance to construct or repair, at their expense, sidewalks along the street or streets adjacent to their lots in accordance with the specifications of the city engineer as to quality, width, and grade, and subject to his supervision and approval, providing that, in case of failure or inability of the property owners to comply with the requirement within a specified period of time after demand, the city engineer shall cause the work to be done and the cost thereof collected as a special assessment from such owners, who may choose to pay the same in full, or in ten equal yearly installments which shall be due and payable in the City of Surigao in the same manner as the annual tax levied on real estate, and shall be made subject to the same penalties for delinquency, and enforceable by the same remedies, as such annual tax; and all said sums and amounts, shall, from the day in which they were assessed and shall take precedence over any and all other items which exist upon such property excepting only such as may have been attached as a result of the non-payment of said annual tax.

(p) Notwithstanding the provisions of any existing law to the contrary, the City Board shall have the exclusive power to provide for the inspection, placing, stringing, attaching, installing, repair and construction of all gas, electric, telegraph and telephone wires, conduits, and meters and other apparatus or electrical appliances and the condemnation and correction or removal of the same when dangerous and defective.

(q) For the purpose of supplying water to the inhabitants of the city, to purify the sources of supply and the places through which the same passes, to own, and control the use of water and to fix and collect rents therefor, to regulate the construction, repairs and use of hydrants, pumps, cisterns, and reservoirs, and to prevent the waste of water and for the purpose of protecting and insuring the purity and quality of the water supply of the city, to extend its ordinance over all territories within the drainage area of such water supply and within one hundred meters of any reservoir, conduits, canal, aqueduct, pumping station or water shed used in connection with the city water service.

(r) To establish and maintain a city pound and fix the fees for poundage; to regulate, restrain, or prohibit the running at large of domestic animals and dogs, and provide for distraining, impounding, and killing or sale of the same for the penalty incurred, and the cost of the proceedings; also impose penalties upon the owners of the said animals for the violations of any ordinance in relation thereof; but carabaos, horses, mules, asses and all members of the bovine family shall be disposed of in accordance with the general law.

(s) To regulate the keeping and use of animals insofar as the same affects the public health and the health of domestic animals.

(t) To require any land or building which is in an unsanitary condition to be cleaned at the expense of the owner or tenants, and upon failure to comply with such an order, have the work undertaken by the city government and assess the expenses upon the land or buildings against the owner thereof.

(u) To provide for or regulate, and to fill up or require to be filled up to a grade necessary for proper sanitation, any and all land premises which may be declared and duly reported by the City Department of Health as being unsanitary by reason of being below such grade or which in the opinion of the Board the public health and welfare may require.

(v) To construct and keep in repair public drains, sewers, and cesspools, and regulate the construction and use of private water closets, privies, sewers, drains and cesspools.

(w) To prohibit the burial of the dead within the center of population of the city and provide for their burial in such proper place and in such manner as the Board may determine, subject to the provisions of the general law regulating burial grounds and cemeteries and governing funerals and disposal of the dead.

(x) To establish or authorize the establishments of, fix the fees for, the use of slaughterhouses and markets, and inspect and regulate the keeping, preparation, and sale of meat, fruits, poultry, milk, fish, vegetables, and other provisions or articles of food offered for sale.

(y) To enforce the regulations of the Department of Health, and by ordinance to provide fines and penalties for violation of such regulation; to adopt such other measures to prevent the introduction and spread of diseases as may, from time to time, be deemed desirable or necessary.

(z) To declare, prevent, and abate nuisances.

(aa) To provide for the recording of births, marriages and deaths.

(bb) To establish, maintain, and regulate a police force and prescribe the powers and duties of its members.

(cc) To establish, maintain, and regulate a city prison.

(dd) To prohibit and provide for the punishment of cruelty to animals.

(ee) To suppress gambling houses, houses of ill-fame and other disorderly houses; and to prohibit the printing, sale and exhibition of immoral pictures, books or publications of any description.

(ff) To prevent and suppress riots, affrays, disturbances, and disorderly assemblies; to punish and prevent intoxication, fighting, quarreling, and all disorderly conduct, and to make and enforce all necessary police ordinances, with the view to the confinement and reformation of vagrants, disorderly persons, mendicants and prostitutes, and persons convicted of violating any city ordinance.

(gg) To establish, regulate and maintain city departments, prescribe the powers and duties thereof and readjust the same.

(hh) To construct, erect, and establish a public light, heat communication and power supply and installation system, and to that end to purchase, expropriate, or otherwise acquire all lands, which may be necessary; and to build, erect and construct any and all buildings, stations and other structures, and to purchase any or all such machinery, poles, wires, wagons, trucks, or other vehicles, supplies and equipment as may now or hereafter be necessary to the successful operation of such system, as may be provided by law.

(ii) To maintain and operate any electric light, heat or power supply, communication, and installation system and whenever acquired, to keep the same, repair, alter, increase, extend, improve, enlarge or modify the same or any part thereof; to replace worn or useless parts, machinery, poles, wagons, vehicles, trucks, wires and other equipment; and to operate, control, and manage the same.

(jj) For any and all the purposes contemplated in the last two preceding subsections, to enter, if necessary, into contracts for partial or deferred payment; to appoint and employ such officers, clerks, laborers as may be necessary; and appropriate funds of the city for all the purposes aforesaid.

(kk) To enter into contracts with, and supply electric light, heat, current, and other services to residents, merchants, businessmen, and manufacturers in an about the city at rates and for prices not less than sufficient properly to maintain and operate any such plant or system and to pay for depreciations of the same and for all extensions, improvements, enlargements, alterations, or changes thereof and therein.

(ll) To enter into a contract of lease, and to rent or lease any electric light, heat or power supply or installation system whether erected, constructed, and established by the City Board, or acquired by it through purchase, grant, or conveyance in any other manner, to any person or persons, or to any corporation for proper and sufficient consideration and subject to the right of supervision and control by the City Board over the operation of such system and over the amount of heat, light, power and current delivered, the character of other services rendered and of the rates and amounts charged therefor.

(mm) To fix the penalties for violation of ordinances, but no single penalty shall exceed a fine of two hundred pesos for imprisonment for six months, or both, but imprisonment shall be imposed in lieu of unpaid fines at the rate of one day's imprisonment for each two pesos and fifty centavos of fine. Persons undergoing imprisonment for violation of ordinance may be required to labor for the period of imprisonment upon works of the city in such manner as may be directed by the City Board. Whenever a person is imprisoned for non-payment of a fine, he shall be released upon payment of such fine less two pesos and fifty centavos per day for each day that he has been confined. Pending appeal, the defendant shall remain in the custody unless released upon sufficient bail in accordance with the general provisions of law, to await judgment of the appellate court.

In case of violation of ordinance about building construction and repair, the City Board, in addition to the penalties authorized in the preceding paragraph, may further impose the penalty of removal or demolition of the building or structure by the owner or by the city at the expense of the owner.

(nn) To authorize the free distribution of medicines to the employees and laborers whose salary or wage does not exceed sixty pesos per month or two pesos and fifty centavos per day and

of fresh native milk to indigent mothers residing in the city, the distribution to be made under the direct supervision and control of the Mayor.

(oo) To fix the tariff of fees and charges for all services rendered by the city or any of its departments, branches or offices.

(pp) To tax, license and regulate boxing, bowling, billiard, pools, horse, races, cockpits, roller or ice-skating or any sporting or athletic contest, as well as grant exclusive rights to establishments for this purpose, notwithstanding any existing law to the contrary.

(qq) To establish and regulate the size, speed, and operation of motor and other public vehicles within the city; to establish bus stops and terminals; and prohibit and regulate the entrance of provincial public utility vehicles into the city except those passing through the city.

(rr) To make such further ordinances and regulations not repugnant to law as may be necessary to carry into effect and discharge the powers and duties conferred by this Act and such as it shall deem necessary and proper to provide for the health and safety, promote the prosperity, improve the morals, peace and good order, comfort, and conveniences of the city and the inhabitants thereof, and for the protection of property therein, and enforce obedience thereto with such lawful fines or penalties as the City Board may prescribe under the provisions of subsection (mm) of this section, and to exercise all other duties and powers conferred by law.

Sec. 30. Power over subdivisions. - The City Board shall have power by ordinance to require that no plat or plan of subdivision of a residential estate within its jurisdiction shall be presented for approval or verification to the Bureau of Lands and/or the Land Registration Commission until the same shall have been approved by the City Engineer under such regulations as may be provided by ordinance. Such regulations may provide for the proper arrangements design, and width of streets in relation to other existing or planned streets; for adequate and convenient open spaces for traffic, public services, access of fire-fighting apparatus, recreation, light and air, and for the avoidance of congestion of population including minimum width and area of lots in the several districts or sections of the city. Such regulations may also include provisions as to the extent to, and methods by, which streets and other ways may be graded, or drained, and improved and water and sewers and other public service mains, piping or other facilities installed. Such regulations shall provide for approval of the plat or plan within thirty days after the submission to the City Engineer.

ARTICLE IV - DEPARTMENTS AND OFFICERS

Sec. 31. City Departments. - There shall be a Finance Department, Police Department, Fire Department, Engineering Department, Law Department, Health Department, and an Assessment Department. The Mayor shall have general supervision and control over all these city departments except the Law Department which shall be under the Department of Justice.

Upon the recommendation of the Mayor, the City Board may, from time to time, by ordinance, assign additional functions or duties to, and make such readjustment in the duties of the several departments and offices of the city as the public interest may demand, and shall have the power to create or consolidate any department, division or office or delegate these powers to the Mayor by ordinance.

Any existing law to the contrary notwithstanding and by ordinance approved by the City Board, two or more departments over which the Mayor has control and supervision may be headed by the same individual.

Sec. 32. Powers and duties of heads of departments. - Each head of department of the city government shall be in control of such department and shall possess such powers as may be prescribed herein or by ordinance. He shall certify to the correctness of all payrolls and vouchers of his department covering the payment of money before payment except as therein otherwise expressly provided. At least three months before the beginning of each fiscal year, he shall prepare, and present to the Mayor for submission to the Board an estimate of the appropriation necessary for the operation of his department during the ensuing fiscal year, and shall submit therewith such information for purposes of comparison as the Mayor may desire. He shall submit to the Mayor as often as required reports covering the operation of his department.

In case of absence or sickness, or inability to act for any other reason, of the head of one day of the city departments, the officer next in charge of that department shall perform the duties of the head of the department concerned. In case of temporary vacancy, the officer next in charge performing the duties or the head of such department shall, during his incumbency in an acting capacity, receive the salary and other emoluments of the later.

In case of temporary disability of the department head and of the other officer next in charge, the mayor may temporarily designate any other officer in the service in the city to perform the duties of the head such department until the return to duty of the department head or his assistant.

Sec. 33. Appointment and removal of officials and employees.- Unless there is an existing or subsequent law or laws to the contrary, the President of the Philippines shall appoint , with the consent of the commission on Appointments, the Judges of the City Court, the City Treasurer, the City Engineer, the City Fiscal and Assistants, and the City Health Officer. The City Auditor shall be appointed by the Auditor General. These officers can only be removed for just cause.

All other officers and employees of the city whose appointment is not vested in the President or otherwise provided for by the law or this Charter shall be appointed by the Mayor in investigated any official appointed by the President and recommend to him the removal or suspension of such official.

ARTICLE V - FINANCE DEPARTMENT

Sec. 34. The City Treasurer, his powers and duties - There shall be a City Treasurer who shall have charge of the Finance Department and shall act as chief fiscal officer and financial adviser of the city and custodian of its funds. He shall have the following general powers and duties:

(a) He shall collect all taxes due the city, all license fees authorized by the law or ordinance, all rents due for lands, markets, and other property owned by the city, all further charges of whatever nature fixed by law or ordinance, and shall receive and issue receipt for all costs, fees, fines, and forfeitures imposed by the city court from the clerk thereof, and the fees collected by the sheriff or his deputies.

(b) He shall collect all miscellaneous charges made by the Engineering Department and by other departments of the city government, and all charges made by the city engineer for inspections, licenses, and the installation, maintenance, and services rendered in the operation of the private privy system.

(c) Unless otherwise specifically provided by law or regulations, he shall perform in and for the city the duties imposed by law or regulation upon provincial treasurers generally as well as the other duties imposed upon him by law.

(d) He shall purchase and issue all supplies, equipment or other property required by the city as may be authorized, subject to the general provisions of law relating thereto.

(e) He shall be accountable for all funds and property of the city and shall render such accounts in connection therewith as may be prescribed by the Auditor General.

(f) He shall deposit daily all municipal funds and collections in any bank duly designated as Government depository.

(g) He shall disburse the funds of the city in accordance with duly authorized appropriations, upon properly executed vouchers bearing the approval of the chief of the department concerned, and on or before the twentieth day of each month he shall furnish the Mayor and the City Board for their administrative information a statement of the appropriation, expenditures and balances of all funds and accounts as of the last day of the month preceding.

ARTICLE VI. - POLICE DEPARTMENT

Sec. 35. The Chief of Police - His Powers and duties. - There shall be a Chief of Police who shall have charge of the Police Department, and everything pertaining thereto, including the organization, administration, discipline and disposition and the transfers of members from and to the City Police and Secret Service Division and Traffic Division, shall investigate under the direction of the Mayor, any complaint filed against members of the police and report the result of the investigation to the Mayor making recommendation he may deem pertinent of such action as said officer may consider necessary. He shall have the following powers and duties:

(a) He may issue supplementary regulations not incompatible with law or general regulations promulgated by the proper department head of the National Government, in accordance with law for the governance of the city police and detective force.

(b) He shall quell riots, disorders, disturbances of the peace, and shall arrest and prosecute Violators of any law or ordinance; shall exercise police supervision over all land and water within the police jurisdiction of the city; shall be charged with the protection of rights of person and property wherever found within the jurisdiction of the city, and shall arrest, without warrant then necessary, to prevent the escape of the offender, violators of any law ordinance, and all who obstruct or interfere with him in the discharge of his duty; shall exercise supervision, administration and control over the city jail and city prisoners; and shall be responsible for the safekeeping of all prisoners in the city jail until they shall be released from custody, in accordance with law or delivered to the warden of the proper prison or penitentiary upon order from the court of competent jurisdiction.

(c) He may take good and sufficient bail for the appearance before the Judge of the City Court of any person arrested for violation of any city ordinance: Provided, however, that he shall not exercise this power in cases of violation of any penal law except when the fiscal of the city shall recommend and fix the bail to be required of the person arrested.

(d) He shall have authority, within the police jurisdiction of the city, to serve and execute criminal process of any court; to serve and execute criminal processes of any court; shall be deputy sheriff of the city; and as such he shall, personally or by representative, attend the sessions of the City Court, and shall execute promptly and faithfully all orders of the Mayor, including assignments and transfer of personnel, and all writs and processes of the City Court.

(e) He shall cause to be investigated the causes of sudden deaths which have not been satisfactorily explained and when there is suspicion that the cause arose from unlawful acts or omissions of other persons or from foul play and in general, victims of violence, sex crimes, accidents, self-inflicted injuries, intoxication, drug addiction, state of malingering and mental orders which occur within the jurisdiction of the city and the examination of evidences and tale-tale marks of crimes. For that purpose he may cause autopsies to be made and shall be entitled to demand and receive for the purpose of such investigations and/or autopsies the aid of the health authorities.

(f) He shall have such other powers and perform such other duties as may be prescribed by law or ordinance.

(g) He shall have such assistants and additional personnel duties as may be prescribed by law or ordinance.

Sec. 36. Deputy Chief of Police. - There shall be a deputy Chief of Police whose duties shall be to act as the Chief of Police in the absence or inability of the Chief of Police, and under the direction of such chief, to look after the discipline of the police force and perform such other duties as may be imposed upon him by the Chief or prescribed by law or ordinance.

Sec. 37. The secret service; traffic division. - There shall be a secret and a traffic division of the Police Department. The secret service division shall have charge of the detective work of the Police Department of the detective force of the city, and shall perform such other duties as may be assigned to it by the Chief of Police or prescribed by law or ordinance. The traffic division shall have charge of the enforcement of traffic laws, regulations and ordinances. These divisions shall each be headed by police officers under the Chief of Police as the approved of organization of Police Department may provide.

Sec. 38. Peace officers - Their powers and duties. - The Mayor, the Chief of Police, and all officers and member of the City Police force shall be peace officers. Such officers are authorized to serve and execute all processes of the City Court and criminal processes of all other courts to whomsoever directed, within the police jurisdictional limits of the city, and within the same territory, to pursue and arrest, any person found in suspicious places or under suspicious circumstances reasonably tending to show that such person has committed, or is about to commit any crime, or breach of the peace, to arrest or cause to be arrested without warrant, any offender when the offense is committed in the presence of a peace officer or within his view; and in such pursuit or arrest to enter any building, ship, boat, or vessel or take into custody any person herein suspected of being concerned in such crime or breach of the peace, and any property suspected of having been stolen; and to exercise such other powers and perform such other duties as may be prescribed by law or ordinance. They shall detain an arrested person only until he can be brought before the proper magistrate. Whenever the Mayor shall deem it necessary to avert danger or the

protect life and property, in case of riot, disturbance, or public calamity, or when he has reason to fear any serious violation of law and order, he shall have power to swear in special police, in such number as the occasion may deemed. Such special police shall have the same powers while on duty as members of the regular force.

ARTICLE VII - FIRE DEPARTMENT

Sec. 39. Chief of Fire Department - His powers and duties. - There shall be a Chief of Fire Department who shall have the following general powers and duties:

(a) He shall have the management and control of all matters relating to the administration of said department, and the organization, governance, discipline and disposition of the fire force. He may issue supplementary regulations not incompatible with law or general regulations issued by the proper department head of the National Government in accordance with law, for the governance of the fire force.

(b) He shall have charge of the fire engine houses, fire engines, hose carts, hooks and ladders, trucks and all other fire fighting apparatus.

(c) He shall have full police powers in the vicinity of fires and shall have authority to remove or demolish any building or other property whenever it shall become necessary to prevent spreading of fire or to protect adjacent property.

(d) He shall investigate and report to the Mayor on the origin and cause of all fires occurring within the city.

(e) He shall inspect all buildings erected or under construction or repair and determine whether they provide sufficient protection against fire and whether they comply with the ordinance relating thereto.

(f) He shall have charge of the city fire alarm service.

(g) He shall supervise and regulate the stringing, grounding and installation of wires for all electrical connections with a view to avoiding conflagrations, interference with public traffic or safety, or the necessary operation of the fire department.

(h) He shall supervise the manufacture, storage, and use of petroleum, gas, acetylene, gunpowder, and other highly combustible matters and explosives; and shall see that all ordinances relating to the subject or any of them are enforced.

(i) He shall have such other powers and perform such other duties as may be prescribed by law or ordinance.

ARTICLE VIII - ENGINEERING DEPARTMENT

Sec. 40. The City Engineer - His powers and duties. - There shall be a City Engineer, who shall be in charge of the Engineering Department. The Highway District Engineer of the Engineering District nearest to or wherein the City of Surigao is situated may be designated as ex-officio City

Engineer and in such a case he shall receive an additional compensation as may be fixed by the City Board in accordance with law. The City Engineer shall have the following powers and duties:

(a) He shall have charge of all the surveying and engineering work of the city; and shall perform such service in connection with public improvements, or any work entered upon or projected by the city or any department thereof, as may require the skill and experience of a civil engineer.

(b) He shall ascertain, record, and establish monuments of the city survey and from thence extend the survey of the city, and locate, establish, and survey all city property and also private property abutting on the same whenever directed by the Mayor.

(c) He shall prepare and submit plans, maps, specifications and estimated for buildings, streets, bridges, docks and other public works, and supervise the construction and repair of the same.

(d) He shall make such tests and inspection of engineering materials used in construction and repair as may be necessary to protect the city from the use of materials of a poor or dangerous quality.

(e) He shall have the case of all public buildings, when erected, including markets and slaughterhouse and all buildings rented for city purposes, and of any system now or hereafter established by the city for lighting the streets, public places and public buildings.

(f) He shall have the care of all public streets, parks and bridges, and shall maintain, clean, sprinkle, and regulate the use of the same for all purposes as provided by ordinance; shall collect and dispose of all garbage, refuse, the contents of closets, vaults, and cesspools, and all other offensive and dangerous substances within the city.

(g) He shall have the care and custody of all public docks, wharves, piers, levees, and landing places of the city.

(h) He shall prevent the encroachment of private buildings and fences on the streets and public places of the city.

(i) He shall have general supervision and inspection of all private docks, wharves, piers, levees, and landing places, and other property bordering on the harbor, river, esteros, and waterways of the city, and shall recommend to the Mayor for issuance of permits for the construction, repair and removal of the same, and enforce all ordinances in relation to the same.

(j) He shall have the care and custody of the public system of waterworks and sewers, and all sources of water supply, and shall control, maintain, and regulate the use of the same in accordance with the ordinance relating thereto; shall inspect and regulate the use of all private systems for supplying water to the city and its inhabitants, and all private sewers and their connections with the public sewer system.

(k) He shall supervise the laying of the mains and connections for the purpose of supplying gas to the inhabitants of the city.

(l) He shall inspect and render the report on the conditions of public property and public works whenever required by the Mayor.

(m) He shall supervise and regulate the location and use of engines, boilers, forges, and other manufacturing and heating appliances in accordance with law and ordinances relating thereto. He is authorized to charge at rates to be fixed by the Board with the approval of the department head, for sanitation and transportation services and supplies furnished by his department.

(n) He shall inspect and supervise the construction, repair, removal, and safety of private buildings, and regulate and enforce the numbering of houses in accordance with the ordinances of the city.

(o) With previous approval of the Mayor in each case, he shall order the removal of buildings and structures erected in violation of the ordinances; shall order the removal of the materials employed in the construction and repair of any building or structures dangerous to the public to be made secure or torn down.

(p) He shall file and preserve all maps, plans, notes, surveys, and other papers and documents pertaining to his office.

Sec. 41. Authority to execute public works projects and improvements. - The City of Surigao shall have the authority to undertake and carry out any public works projects and improvement, financed by the city funds or any other funds borrowed from or advanced by private third parties, under the supervision of the City Engineer, without the intervention of the Department of Public Works and Communications. The approval of plans and specifications thereof by the City Mayor and the City Engineer with the favorable recommendation of the City Board shall constitute sufficient warrant for the undertaking and execution of said projects. It may, however, consult if it so desires, the Department of Public Works and Communications in connection with the preparation of plans specifications for public works projects. The city shall likewise have the authority to execute city public works projects either by administration or by contracts under the usual bidding procedure of the government: Provided, That in case where expenditure of public funds is not involved, public bidding may be dispensed with.

Sec. 42. Assistants and employees. - To assist the City Engineer in the discharge of his duties, there shall be such assistant engineers, superintendents, and other employees as are from time to time provided for in appropriation ordinance.

ARTICLE IX - LAW DEPARTMENT

Sec. 43. The City Fiscal - His powers and duties. - The City Fiscal shall be the chief legal adviser of the city. He shall have the following powers and duties:

(a) He shall personally or through any assistant, represent the city in all civil cases wherein the city or any officer thereof, in his official capacity, is a party.

(b) He shall, when requested, attend the meetings of the City Board, draw ordinances, contracts, bonds, leases, and other instruments involving any interest of the city and inspect and pass upon any such instrument already drawn.

(c) He shall give his opinion in writing, when requested by the Mayor or the Board or any of the heads of the city departments, upon any question relating to the city or the rights or duties of any city officer.

(d) He shall, whenever it is brought to his knowledge that any city officer or employees is guilty of neglect or misconduct in office or that any person, firm, or corporation holding or exercising any franchise or public privilege from the city, has failed to comply with any condition, or to pay any consideration mentioned in the grant of such franchise or privilege, investigate or cause to be investigated the same and report his finds and recommendations to the Mayor.

(e) He shall, when directed by the Mayor, institute and prosecute in the city's interest a suit on any bond, lease or other contract, and upon any breach or violation thereof; and shall prosecute and defend all civil actions related or connected with, any city office or interest.

(f) He shall investigate all charges of crimes, misdemeanors, and violation of laws and city ordinances and complaints against the person accused. He or any of his assistants may conduct such investigations by taking oral evidence of witnesses and for this purpose may, by subpoena or subpoena duces tecum summon witnesses to appear and testify under oath before him or to produce documents and other evidence before him, and attendance of, or the production of documents and other evidence of an absent or recalcitrant witness may be enforced by application to the City Court or the Court of First Instance. No witness summoned to testify under this section shall be under obligation to give testimony tending to incriminate himself.

(g) He shall have charge of the prosecution of all crimes, misdemeanors and violations of laws and city ordinances triable in the City Court and shall discharge all the duties in respect to criminal prosecution enjoined by law upon provincial fiscals.

(h) He shall cause to be investigated the causes of sudden deaths which have not been satisfactorily explained and when there is suspicion that the cause arose from unlawful acts or omissions of other persons or from foul play and in general, victims of violence, sex crimes, accidents, self-inflicted injuries, intoxication, drug addiction, state of malingering and mental disorders which occur within the jurisdiction of the city and the examination of evidences and tale-tale marks of crimes. For that purpose he may cause autopsies to be made and shall be entitled to demand and receive for the purpose of such investigations and/or autopsies the aid of the health authorities.

In case the City Fiscal deems it necessary to have further expert assistance for the satisfactory performance of his duties in relation with medico-legal matters or knowledge including the giving of medical testimony in the courts of justice, he shall request the same from the head of the Department of Legal Medicine of the College of Medicine and Surgery of the University of the Philippines, or the aid of the Medico-legal Section of the National Bureau of Investigation, which shall thereupon, furnish the assistance required in accordance with its power and facilities.

(i) He shall at all times render such professional services as the Mayor or Board may require, and shall have such powers and perform such duties as may be prescribed by law or ordinance.

Sec. 44. Assistants and employees. - To assist the City Fiscal in the performance of his duties, he shall have such assistants and clerks as may be provided for the City Board.

ARTICLE X - HEALTH DEPARTMENT

Sec. 45. **The City Health Officer - His powers and duties.** - There shall be a City Health Officer who shall have charge of the Health Department. The Municipal Health Officer of the Surigao Rural Health Unit may be designated as ex-officio City Health Officer and in such a case he shall receive additional compensation as the Board may appropriate in accordance with law. The City Health Officer shall have the following general powers and duties:

(a) He shall have general supervision and control over the health and sanitary conditions of the city, including the cleaning of the crematories, cemeteries and markets.

(b) He shall execute and enforce all laws, ordinances and regulations relating to public health.

(c) He shall cause to be prosecuted all violations of sanitary laws, ordinances, or regulations.

(d) He shall make sanitary inspections and may be aided therein by such members of the police force of the city as shall be designated as sanitary inspectors and may be authorized by law or ordinance.

(e) He shall keep a civil registry for the city and record therein all births, marriages and deaths with their respective dates.

(f) He shall perform such other duties not repugnant to law or ordinance, with reference to the health and sanitation of the city as the Director of Health Services shall direct: Provided, That nothing in this law shall be interpreted as the curtail the powers and duties conferred by existing law on the Director of Health Services over the City of Surigao as part of the Philippines, and that the Director of Health Services shall have technical control over the health work of the city.

ARTICLE XI - ASSESSMENT DEPARTMENT

Sec. 46. **The City Assessor - His powers and duties.** - There shall be a City Assessor who shall have charge of the Assessment Department. He and his authorized deputies who are empowered to administer any oath authorized to be administered in connection with the valuation of real estate for the assessment and collection of taxes, shall appraise and value at their fair market value all the real estate in the city, and assess for taxation all such real estate in the city and the names of the owners shall be arranged in the order of the lot and block numbers, with a brief description of the property opposite each such name and the cash value thereof. In making the list, the City Assessor shall take into consideration any sworn statement made by the owners of the property, but shall not be prevented thereby from considering other evidence on the subject and exercising his own judgment in respect thereto. For the purpose of completing this list, he and his representative may enter upon the real estate for the purpose of examining and measuring it, may summon witnesses, administer oaths to them and subject them to examination concerning the ownership and the amount of real estate and its cost value. He may if necessary, examine the records of the office of the Register of Deeds in the Province of Surigao del Norte showing ownership of real estate in the city.

The City Assessor shall have assistants and such other personnel to assist him with his duties as may be provided for from time to time by appropriation ordinances.

Sec. 47. List of taxable real estate, how made; - examination of witnesses and register of deeds records. - The list of the taxable real estate in the city and the names of the owners shall be arranged in the order of the lot and block numbers, with a brief description of the property opposite each such name and the cash value thereof. In making the list, the City Assessor shall take into consideration any sworn statement made the by the owners of the property, but shall not be prevented thereby from considering other evidence on the subject and exercising his own judgment in respect thereto. For the purpose of completing this list, he and his representative may enter upon the real estate for the purpose of examining and measuring it, and may summon witnesses, administer oaths to them and subject them to examination concerning the ownership and the amount of real estate and its cost value. He may, if necessary, examine records of the office of the Register of Deeds in the Province of Surigao del Norte showing ownership of real estate in the city.

The City Assessor shall have assistants and such other personnel to assist him with his duties as may be provided for from time to time by appropriation ordinances.

Sec. 48. Real estate exempt from taxation. - The following shall be exempt from taxation:

(a) Lands or buildings owned by the Republic of the Philippines, the Province of Surigao del Norte, the City of Surigao, and burying ground, churches, and their adjacent parsonages, and convents, and lands, or buildings used exclusively for religious, charitable, scientific, or educational purposes, and not for profit; but such exemption shall not extend to lands or buildings held for investment, though the income therefrom be devoted to religious, charitable, scientific, or educational purposes; and

(b) Lands or buildings which are the only real property of the owner, and the value does not exceed five hundred pesos.

Sec. 49. Declaration to be made by persons acquiring or improving real estate. - It shall be the duty of each person who, at any time, acquires real estate in the city, and of each person who constructs or adds to any improvement on real estate owned by him in the city, to prepare and present to the City Assessor within a period of sixty days, next succeeding such acquisition, construction or addition, a sworn declaration setting forth the value of the real estate acquired or the improvement constructed or addition made by him and a description of such property sufficient to enable the City Assessor readily to identify the same. Any person, having acquired real estate, who fails to make and present the declaration herein required within the said period of sixty days shall be deemed to have waived his right to notice of the assessment of such property and the assessment of the same in the name of its former owner shall, in all such cases, be valid and binding on all persons interested, and for all purposes, as though the same has been assessed in the name of its actual owner.

Sec. 50. Action when owner makes no returns, or its unknown, or ownership is in dispute or in doubt or when and improvements are separately owned. - If the owner of any parcel of real estate shall fail to make a return thereof or if the City Assessor is unable to discover the owner of any real estate, he shall, upon discovery of such failure to declare, nevertheless, list the same for taxation and charge the tax plus a compromise pay for late filing of return equivalent to twenty-five per centum of the annual tax exclusive of penalties provided in Section fifty-one hereof, against the true owner, if known, and if unknown, then as against the possessor thereof. When it shall appear

that there are separate owners of the land and the improvements thereon, a separate assessment of the property of each shall be made.

Sec. 51. Action in case estate has escaped taxation. - If it shall come to the knowledge of the City Assessor that any taxable real estate in the city has escaped listing, it shall be his duty to list and value the same at the time and in the manner provided in the succeeding section and to charged against the owner thereof the taxes due for the current year and for all the other years since the original assessment under the city charter was made, and the taxes thus assessed shall be legal and collectible by all the remedies herein provided, and if the failure to assess was solely due to any fault or negligence of the City Assessor, penalty shall likewise be added if said taxes are not paid before the operation of the next tax collection period next ensuing or if the property had originally become delinquent after assessment in the usual course.

Sec. 52. When assessment may be increased or reduced. - The City Assessor shall, during the first fifteen days of December of each year, add to his list of taxable real estate in the city the value of the improvements places upon each property during the preceding year, and any property which is taxable and which has theretofore escaped taxation. He may during the same period revise and correct the assessed value of any or all parcels of real estate in the city which are not assessed at their true money value, by reducing or increasing the existing assessment, as the case may be.

Sec. 53. Publication of complete list and proceedings thereon. – The City Assessor shall, when the list shall be completed, inform the public by notice published once a week for two consecutive weeks in a newspaper of general circulation in the city, if any and by notice posted for the list is on file in his office and may be examined by any person interested therein, and that upon the date fixed in the notice, which shall not later than the tenth day of February and for five days thereafter, the City Assessor shall be present in his office to hear all complaints as to the accuracy of listing of the property and the assessed value thereof, filed within the specified period by persons against whom taxes have been assessed as owners of real estate, and he shall make his decision forthwith and enter the same in well bound books, to be kept by him for the purpose, and if he believes that injustice had been done or errors have been committed he is authorized to amend the list in accordance with his findings. It shall be the duty to carefully preserve and record in his office copies of said notices.

Sec. 54. City Assessor to authenticate lists of real estate assessed. – The City Assessor shall authenticate each list of real estate valued and assessed by him as soon as the same is completed, by signing the following at the foot thereof:

“I hereby certify that the foregoing list contains a true statement of the piece of taxable real estate belonging to a each person named in the list, and its true cash value, and that no real estate taxable by law in the City of Surigao has been omitted from the list, according to the best of my knowledge and belief”.

(Signature)
City Assessor

Sec. 55. Time and manner of appealing to Board of Assessment Appeals. – In case the City Board or any owner of real estate or his authorized agent shall feel aggrieved by any decision of the City Assessor under the preceding section of this Article, the City Board or such owner or agent may, within thirty days after the taxpayer received notice of such decision, appeal to the Board of Assessment Appeals. The appeal shall be perfected by filing and written notice of the same with

the City Assessor and it shall be the duty of that office forthwith to transmit the appeal to the Board of Assessment Appeals with all written evidence in his possession relating to such assessment and valuation.

Sec. 56. Constitution and compensation of member of the Board of Assessment Appeals. – There shall be a Board of Assessment Appeals which shall be composed of the Mayor, to act as chairman, and four members, two of whom shall be owners of real estate in the city, to be chosen by the City Board without or with compensation as the City Board may fix and they shall serve at the pleasure of the City Board. The Mayor shall have the power to designate any city official or employee to serve as the Secretary of the Board of Assessment Appeals without additional compensation.

Sec. 57. Oath to be taken by members of the Board of Assessment Appeals. – Before organizing as such, the members of the Board of Assessment of Appeals shall take the following oath before the City Judge or any other officer authorized to administer oaths:

“I do solemnly swear (or affirm) that I will hear and determine well and truly all matters and issues between taxpayers and the City Assessor submitted for my decision. So help me God. (In case of affirmation the last four words are to be stricken out).

(Signature)

Subscribed and sworn to me before me this _____ day of _____, 19 ____.

Signature and title of Officer
Administering Oath

Sec. 58. Proceedings before the Board of Assessment Appeals. – The Board of Assessment Appeals shall meet on the third Monday in January of each year, shall hear all appeals transmitted to it, shall decide the same forthwith and shall complete its work and adjourn on or before the thirty-first day of March of each year unless its session for any given year are extended to a later date by the City Board. It shall have authority to cause to be amended the listing and valuation of the property in respect to which appeals have been perfected by order signed by the Board or majority thereof, and transmit it to the City Assessor who shall amend the tax list in conformity with said order. It shall also have power to revise and correct with the approval of the Department Head first had, any and all erroneous or unjust assessment and valuations for taxation, and make a correct and just assessment and state the true valuation, in each case where it decides that the assessments previously made are erroneous or unjust. The list when so corrected shall be as lawful and valid for all purposes as though the assessment had been made within the time herein prescribe. Such reassessment and revaluation shall be made on due notice to the individual concerned and he shall be entitled to be heard by the Board of Assessment Appeals before any reassessment or revaluation is made. The decision of the Board of Assessment Appeals shall be final unless the Secretary of Finance forthwith declares the decision reopened for review by him, in which case he may make such revision or revaluation as in his opinion the circumstances justify. Such decision, approved by the President of the Philippines, shall be final.

Sec. 59. Taxes on real estate – Extension and remission of the payment of tax. – A tax, the annual rate of which shall not exceed two per centum on the assessed value of all real estate in the city subject to taxation as herein above provided may be levied by the City Board. The tax for any year shall be due and payable on the first day of January, and from of such taxes together with all penalties accruing thereto shall constitute a lien on the property subject to such taxation. Such lien shall be superior to all other liens, mortgages or encumbrances or any kind whatsoever; and shall be enforceable against the property whether in the possession of the delinquent or any subsequent owner, and can only be removed by the payment of the tax and penalty.

At the option of the taxpayer, the tax for any year may be paid in two installments to be fixed annually by the City Board simultaneously with the fixing of the rate per centum of advalorem taxation: Provided, That the time limit for the first and second installment shall be set not later than the thirty-first of May and the thirtieth day of November of each year, respectively.

Any person, who on the last day of for the payment of the real estate tax as provided in the preceding paragraphs, shall be within the premises of the city hall willing and ready to pay but is unable to effect it on account of the large number of taxpayers therein present, shall be furnished a properly prescribed card which will entitle him to pay the tax without the penalty on the following day.

The words “paid under protest:” shall be written upon the face of the real estate tax receipt upon the request of any person willing to pay the tax under protest. Confirmation in writing of an oral protest shall be made within thirty days.

At the expiration of the time for the payment of real estate tax without penalty, the taxpayer shall be subject, from the first day of delinquency, to the payment of a penalty at the rate not to exceed two per centum for each full month of delinquency that has expired, on the amount of the original tax due, until the tax shall have been forfeited to the city as provided for in this Act: Provided, That in no case shall the total penalty exceed twenty-four per centum of the original tax due.

In the event that crop is extensively damage or that a great lowering of the prices of products is registered in any year, or that a similar disaster extends throughout the province, or for other good and sufficient reason the City Board may, by resolution passed on or before the thirty-first day of December of such year, extend the time for the collection of the tax or penalty for ensuing year, but such resolution shall have to specify clearly the ground for such extension or remission and shall not take effect until it shall have been approved by the Department Head.

The President of the Philippines, may in his discretion, remit or reduce the real estate taxes for any year in the City of Surigao if he deems this to be in the public interest.

Sec. 60. Seizure of delinquent’s personal property to satisfy tax, penalty and cost. – After a property shall have become delinquent in the payment if taxes and the corresponding penalties shall remain unpaid ninety days after payment thereof shall have become due, the City Treasurer, or his deputy, if he desires to compel payment through seizure of any personal property or any delinquent person or persons, shall issue a fully authenticated certificate, based on the records of his office, showing the fact of delinquency and the amount of the tax and penalty due from said delinquent person or persons in question not exempt from seizure, and these proceedings may be carried out by the City Treasurer, his deputy or any other officer authorized to carry out legal proceedings.

Sec. 61. Personal property exempt from seizure and sale for delinquency. – Personal properties which are exempt by provisions law from seizure, sale and execution for delinquency in the payment of real estate taxes shall likewise be exempted under this Charter.

Sec. 62. The owner may be redeem personal property before sale. – The owner of the personal property seized may redeem the same from the collecting officer at any time after seizure and before sale tendering to him the amount of the tax, the penalty, and the cost incurred up to the time of tender. The cost to be charged in making such seizure and sale shall only embrace the actual expenses of seizure and preservation of the property pending the sale, and no charge shall be imposed for the services of the collecting officer or his deputy.

Sec. 63. Sale of seized personal property. – Unless redeemed as herein above provided, the property seized through the proceedings under Section sixty hereof, shall after due advertisement, be exhibited for sale at public auction, and so much of the same a shall satisfy the tax penalty and cost of seizure and sale, shall be sold to the highest bidder. The purchaser at such sale shall acquire an indefeasible title to the property sold.

The advertisement shall state the time, place and cause of sale to be posted for ten days prior to the sale at auction, at the main entrance of the city hall and at public and conspicuous places in the district where the property was seized.

The sale shall take place, at the discretion of the City Treasurer, or his deputy, either at the main entrance of the city hall or at the district where such property was seized. If no satisfactory bid is offered in the aforementioned district another auction shall be held, upon notice published anew.

Sec. 64. Return of officer – Disposal of surplus. – The officer directing the sale under the preceding section shall forthwith make return of his proceedings, and note thereof shall be made by the City Treasurer upon his records. Any surplus resulting from the sale over and above the tax, penalty and cost, and any property remaining in possession of the officer shall be returned to the taxpayer on account of whose delinquency the sale has been made.

Sec. 65. Vesting title to real estate in the city government. – Upon the expiration of two years from the date on which the taxpayer has been delinquent, and in the event of continued default in the payment of the tax and penalty, all private rights, titles and interest in and to real estate on which said tax is delinquent, shall be indefeasibly vested in the city government, subject only to the rights of redemption and repurchase provided for herein below: Provided, That the title acquired by said city government to real estate shall not be superior to the title thereto of the original owner prior to the seizure thereof.

Sec. 66. Redemption of real estate before seizure. – At any time after the delinquency shall have occurred, but not after the expiration of ninety days from the date of sale, the owner or his lawful representative or any person having any lien, right, or any other legal or equitable interest in said property, may pay the taxes and penalties accrued and thus redeem the property. Such redemption shall operate to divest the city government of its title to the property in question and to revert the same to the original owner, but when such redemption shall be made by a person other than the owner, the payment shall constitute a lien on the property, and the person making such payment shall be entitled to recover the same from the original owner, or if he be a lessee, he may retain the amount of said payment from the proceeds of any income due to the owner of such property: Provided, That the person exercising the right of redemption shall not acquire a title to said property better than that of the original owner prior to the seizure.

Sec. 67. Notice of seizure or real estate. – Notice of seizure of the real estate shall be given by posting notices at the main entrance of the city hall, the provincial building and all the municipal buildings in the Province of Surigao del Norte, in English or Pilipino language and in the dialect commonly used in the locality. Three copies of said notice shall be posted on the property subject to seizure, and a copy shall be sent by registered mail to the delinquent owner. Such notices shall state the names of the delinquent persons, the date on which such delinquency commenced, the amount of the taxes and penalties then due from each, and shall state that unless such taxes and penalties are paid within ninety days from the date of the publications of such notice, forfeiture of the delinquent real estate to the city government shall become absolute.

Sec. 68. Ejectment of occupants of seized property. – After the expiration of ninety days from the date of sale, the City Treasurer, or his deputy, may issue to the Mayor or to the other officers authorized by law to execute and enforce the laws a certificate describing the parcel or real estate on which the taxes have been declared delinquent, stating the amount of taxes due, and the penalties and cost accrued by reason of delinquency, and requesting him to eject from said property all the tenants or occupants thereon. Upon receiving such certificate, the Mayor or any other official authorized to enforce the law shall forthwith have all the tenants and occupants who refuse to recognize the title of the city expelled from the property in question, and to that end he may use the police force: Provided, however, That if the property so seized is or includes a residential house, the occupant thereof shall be given sufficient time, not exceeding ten days from the date of the notice of ejectment, to vacate the premises.

Sec. 69. Redemption of real property before sale. – After the title to the property shall have become vested in the city government in the manner above provided and at any time to the sale or contract of sale by the City Treasurer to a party, the original owner of his legal representative or any person having any lien, right, or other legal interest or equity in said property shall have the right to redeem the entire property in question by paying the full amount of taxes and penalties due thereon at the time of the seizure, and if the City Treasurer shall enter into a lease of the property, the redemption shall be made subject to said lease: Provided, That the payment of the price of sale, may at the discretion of the purchaser, be made in installments extending over a period of not exceeding twelve months, but the initial payment, which must be made on the date of the filing of the application for redemption, and every subsequent payment, shall not be less than twenty-five per centum of the entire sum due, unless the total or the balance of the amount due on all seized property in the name of the taxpayer in less than two pesos. The purchaser may occupy the property after paying the first installment and the usual taxes on the property shall be payable in the year after that in which the application for redemption was approved. Any failure of the delinquent taxpayer to pay an installment on the date it is due shall have the effect of a forfeiture to the city government, of any partial payment made by said taxpayer, and in case he has taken possession of the property, he shall forthwith surrender the same to the city government. In case the purchaser should fail to relinquish possession of said property, the City Treasurer or his deputy, shall forthwith adopt measures to eject therefrom all the tenants or occupants thereof as provided for in this Act: Provided, however, That the original owner of any real estate seized prior to the approval of this Act, who redeems the same within six months subsequent to its approval, is hereby released from any obligation he may have to the government for rent for the use of such property: Provided, finally, That the provisions of this section shall apply to redemption of real estate seized for delinquency in the payment of taxes thereon and not redeemed up to the date of the affectivity on this Act.

Sec. 70. Notice of sale or real estate at public auction. - At any time after the forfeiture of any real estate shall have become absolute, the treasurer, pursuant to the rules of procedure to be promulgated by the Department Head, may announce the sale of the real estate seized on account

of delinquency in the payment of taxes thereon, for the redemption of which no application has been filed. Such announcement shall be made by posting a notice for three consecutive weeks at the main entrance of the city hall and of all the municipal buildings of the province, in either English or Pilipino language and in the dialect commonly used in the locality, and by publishing the same once a week during three consecutive weeks in a newspaper of general circulation in the city. Copies of such notice shall be sent immediately by registered mail to the delinquent taxpayer at the latter's home address, if known. The notice shall state the amount of the taxes and penalties so due, the time of sale, the name of the taxpayer against whom the taxes are levied, and the approximate area, the lot number and district where the real estate to be sold is located.

Sec. 71. Sale of real estate – Conditions. – At the time of the sale or prior thereto, the taxpayer may stay the proceedings by paying the taxes and penalties to the City Treasurer or his deputy. Otherwise the sale shall proceed and shall be held either at the main entrance of the city hall or on the premises of the real estate to be sold as the City Treasurer or his deputy may determine. The payment of the sale price may, at the option of the purchaser, be made in installments covering a period not exceeding twelve months, but the initial payment shall be made at the time of the sale, and each subsequent payment shall not be less than twenty-five per centum of the entire sum due. The purchaser may occupy the property after paying the first installment, and usual taxes on the property shall be payable in the year following that in which the sale took place. Any failure of the purchaser to pay the total price of the sale within twelve months from the date thereof, shall be sufficient ground for its cancellation, and any part payment made shall revert to the city government and if the purchaser has taken possession of the property he shall forthwith surrender the same to the city government. In case the purchaser fails to relinquish possession of the property, the City Treasurer or his deputy shall immediately take steps to eject tenants or occupants of the property, in accordance with the procedure in sections sixty-six and sixty-seven of this Act.

The City Treasurer or his deputy shall make a report of the sale to the City Board within five days after the sale and shall make the same appear on its records. The purchaser at the sale shall receive from the City Treasurer or his deputy a certificate showing the proceedings of the sale, describing the property sold, stating the name of the purchaser, the sale price, the condition of the payment, the amount paid and the exact amount of the taxes and penalties.

Sec. 72. Redemption of real estate after sale. – Within one year from and after the date of sale, the delinquent taxpayer, or any other person in his behalf, shall have the right to redeem the property sold by paying to the City Treasurer or his deputy the amount of the taxes, penalties, cost and interest at the rate of twelve per centum per annum on the purchase price, from the date of purchase to the date of redemption; and such payment shall invalidate the certificate of sale issued to the purchaser, if any, and entitle the person making such payment to a certificate to be issued by the City Treasurer or his deputy, stating that he has thus redeemed the property, and the City Treasurer or his deputy, upon the return by the purchaser of the certificate of sale previously issued to him shall forthwith refund to the purchaser the entire sum paid by him with interest at twelve per centum, as provided for herein, and such property shall thereafter be free from the lien of such taxes and penalties.

Sec. 73. Execution of deed of final sale. – In case of the delinquent taxpayer shall not redeem the property sold as herein provided within one year from the date of the sale, and the purchaser shall then have paid the total purchase price, the City Treasurer, as grantor, shall execute a deed in form and effect sufficient to convey to the purchaser so much of the real estate against which the taxes have been assessed as had been sold, free from all liens or encumbrances of any kind whatsoever and said deed shall succinctly recite all the proceedings upon which the validity of the sale depends. All balance remaining from the proceeds of the sale after deducting the amount of taxes

and penalties due, and the cost, if any, shall be returned to the original owner or his representatives.

Sec. 74. Taxes and penalties which shall be paid upon redemption or purchase. – The taxes and penalties to be paid by way of redemption or repurchase shall comprise in all cases only the original tax by virtue of the failure to pay for which the seizure was made, and its incidental penalties up to the date of forfeiture of the real estate to the government.

Sec. 75. Taxes – Legal procedure. – a) The assessment of a tax shall constitute a lawful indebtedness of the taxpayer to the city which may be enforced by an action in any court of competent jurisdiction, and this remedy shall be in addition to all remedies provided by law.

- b) No court shall entertain any suit assailing the validity of a tax assessed under this Charter until the taxpayer shall have paid, under protest, the taxes assessed against him; nor shall any court declare any tax invalid by reason of irregularities, informalities in the proceedings of the officers charged with the assessment or collection of the taxes or of a failure to perform their duties within the time specified for their performance, unless such irregularities, informalities, or failure shall have impaired the substantial rights of the taxpayer.
- c) No court shall entertain any suit assailing the validity of the tax sale of land under this Charter until the taxpayer shall have paid into the court the amount for which the land was sold, together with interest at the rate of fifteen per centum upon the sum from the date of sale to the time of instituting suit. The money so paid into court shall belong to the purchaser at the tax sale if the deed is declared invalid and shall be returned to the depositor should he fail in his action.
- d) No court shall declare any such sale invalid by reason of any irregularities or informalities in the proceedings of the officer charged with the duty of making the sale, or by reason of failure by him to perform his duties within the time herein specified for their performance, unless such irregularities, informalities or failure shall have impaired the substantial rights of the taxpayer.

Sec. 76. Power to levy special assessment for certain purposes. – The City Board may, by ordinance, provide for the levying and collection by special assessment of assessment of the land comprised within the district or section of the city specially benefited, or a part thereof not to exceed sixty per centum of the cost of laying out, opening, constructing, straightening, widening, extending, grading, paving, curbing, walling, deepening, or otherwise establishing, repairing, enlarging, or improving public avenues, roads streets, alleys, piers, docks, levees, reservoirs, waterworks, water, mains, water courses, esteros, canals, drains and sewers, including the cost of acquiring the necessary land and public improvement thereon, as hereinafter provided.

In case of national public works the City Board, as an agency of the National Government, shall provide for the levying and collection by special assessment of the land within the section or district of the city specially benefited of the cost or part thereof to be determined by the President, of laying out, opening, constructing, straightening, widening, extending, grading, paving, curbing, walling, or deepening, or otherwise, repairing, enlarging, or improving national roads and other national public works within the city, including cost of acquiring the necessary land and improvement and improvement thereon.

Sec. 77. Property subject to special assessment. – All lands comprised within the district, or section benefited, except those owned by the Republic of the Philippines, the Province of Surigao del Norte and the City of Surigao, shall be subject to the payment of the special assessment.

Sec. 78. Basis of apportionment. – The amount of special assessment shall be apportioned and computed according to the assessed valuations of such lands as shown in the books of the City Treasurer. If the property has not been declared for taxation purposes, the City Assessor shall immediately declare it for the owner and assess its value, and such value shall be the basis of the appointment and computation of the special assessment due thereon.

Sec. 79. Ordinance levying special assessment. – The ordinance for the levying and collection of a special assessment shall described with reasonable accuracy the nature, extent, and location of the work to be undertaken; the probable cost of the work; the percentage of the cost to be defrayed by special assessment; the district or section which shall be subject to the payment of the special assessment, delimiting the same by meters and bounds, if practicable, and by other accurate means of otherwise, and the period, which shall not less than five nor more than ten years, in which said special assessment shall be payable without interest. One uniform rate per centum for all lands in the entire district or section subject to the payment of all the special assessment need not be established, but different rates for different parts or sections of the city according as said property will derive greater or less benefit from the proposed work, may be fixed.

It shall be the duty of the City Engineer to make plans specifications, and estimates of the public works contemplated to undertaken.

Sec. 80. Publication of proposed ordinance levying special assessment. – The proposed special assessment ordinance shall be published, with a list of the owners of the land affected thereby, once a week for two consecutive weeks in any newspaper published in the city. One in English or Pilipino language and the local dialect and shall also be posted in places where public notices are generally posted in the city and in the district or section where the public improvement is to be constructed.

The Secretary of the City Board, shall on application, furnish a copy of the proposed ordinance to each land-owner affected, or his agent and shall, if possible, send to all of them copies of said proposed ordinance by ordinary mail or otherwise.

Sec. 81. Protest against special assessment. – Not later than ten days after the last publication of the ordinance and list of landowners as provided In the preceding section, the landowners affected, if they compose a majority and represent more than half of the total assessed value of said land, may file with the City Board a protest against the enactment of the ordinance. The protest shall be duly signed by them and shall set forth the addresses of the signatories and the arguments in support of their objection or protest against the special assessment established in the ordinance. If no protest is filed within the time and under the conditions above specified, the ordinance shall be considered approved as published.

Sec. 82. Hearing of protest. – The City Board shall designate a date and place for the hearing of the protest filed in accordance with the next preceding section and shall give reasonable time to all Protestants who have given their addresses, and shall order the publication once a week, during two consecutive weeks, of a notice of the place and date of the hearing in the same manner herein provided for the publication of the proposed special assessment ordinance. All pertinent arguments and evidences presented by the landowners interested or their attorneys shall appended to the proper records. After the hearing, the City Board shall either modify its ordinance or approve it in

toto and send notice of its decision to all interested parties who have given their addresses. The ordinance finally passed by said body shall be sent to the Mayor with all the papers pertaining thereto, for his approval or veto, as in the case of other city ordinances. If the Mayor approves it, the ordinance shall be published as above provided, but if he vetoes it the procedure in similar cases provided in this Act shall be observed.

Sec. 83. Proceeds from special assessments. – The proceeds of the special assessments and penalties thereon shall be exclusive to the purpose or purposes for which the assessments were levied. It shall be the duty of the City Treasurer to turn over to the National Treasury all collections made by him from special assessments shall take effect not later than thirty days its approval and same shall be effective in all respects.

Sec. 84. When ordinance is to take effect. – The ordinance levying special assessment shall take effect not later than thirty days after its approval and same shall be effective in all respects.

ARTICLE XII – THE CITY BUDGET

Sec. 85. Annual budget. – The City Board shall make all appropriations for the expenses of the government of the city. At least two months before the beginning of the each fiscal year, the City Treasurer shall present to the Mayor a certified detailed statement by department of all receipts and expenditures of the city pertaining to the preceding fiscal year, and to the first nine months of the current fiscal year, together with an estimate of the receipts and expenditures for the remainder of the current fiscal year, together with an estimate of the receipts and expenditures for the remainder of the current fiscal year; and he shall submit with this statement a detailed estimate of the revenues and receipts of the city from all sources for the ensuing fiscal year. Upon receipt of this statement and estimate and the estimates of the department heads as required by Section thirty-two of this Chapter, the Mayor shall formulate and submit to the City Board at least one month before the beginning of the ensuing fiscal year, a detailed budget covering the estimated necessary expenditures for the said ensuing fiscal year; which shall be the basis of the annual appropriations ordinance: Provided, however, That in no case shall aggregate amount of such appropriation exceed the estimate of revenues and receipts submitted by the City Treasurer as provided above.

Sec. 86. Supplemental budget. – Supplemental budget formulated in the same manner as the annual budget may be adopted at any time when special or unforeseen circumstances make such action necessary.

Sec. 87. Failure to enact an appropriation ordinance. - Whenever the Board fails to enact an appropriation ordinance for any fiscal year before the end of the current fiscal year, the several sums appropriated in the last appropriation ordinance for the objects and purposes therein specified, so far as they may be done, shall be deemed to be reappropriated for the several objects and purposes specified in said last appropriation ordinance, and shall go into effect on the first day of the new fiscal year as the appropriation ordinance for that year, until a new appropriation ordinance is duly enacted.

ARTICLE XIII – THE CITY COURT

Sec. 88. Regular, auxiliary, and acting judges of the city court. – There shall be a city court for the City of Surigao for which there shall be appointed and designated a City Judge and a City Auxiliary Judge.

The City Court shall have the same jurisdiction in civil and criminal cases and the same incidental powers as are at present conferred by law upon municipal courts and such additional jurisdiction and powers as may hereafter be conferred upon them by law or this Chapter.

The Auxiliary City Judge shall discharge the duties in case of absence, incapacity, or inability of the City Judge until the latter reassumes his post, or until a new judge shall be appointed. During his incumbency the Auxiliary City Judge shall enjoy the powers, emoluments and privileges of the City Judge.

In case of absence, incapacity, or inability of both the City Judge and the Auxiliary City Judge, the Executive Judge of the Court of First Instance of the Province of Surigao del Norte shall designate the Municipal Judge of any of the adjoining municipalities to preside over the City Court, and he shall hold office temporarily until the regular incumbent or the auxiliary judge reassumes his post or any other shall have been appointed in accordance with the provisions of this Act. The Acting City Judge so designate shall receive his salary as provided for by existing laws.

Sec. 89. Clerk and employee of the City Court. – The City Court shall have such clerks of court, stenographers and other employees as may be necessary, to be appointed and other employees as may be necessary, to be appointed by the City Judge, and their salaries shall be paid by the National Government.

The clerk of the City Court shall keep the seal of the Court and affix it to all orders, judgements, certificates, records and other documents issued by the Court. He shall kept a docket of the trials in which he shall record in a summarized manner the names of the parties and the various proceedings in civil cases; in criminal cases, the name of the defendant, the charge against him, the names of the prosecuting witnesses, the date of the arrest, the appearance of the defendant, the date of the trial and the nature of judgement, together with the fines and cost adjudge or collected in accordance with the judgement. He shall have the power to administer oaths.

The clerk of the City Court shall, at the same time, be sheriff of the city and shall as such have the same powers and duties conferred by existing law to provincial sheriffs. The City Board, in addition to the national employees in the City Court, may provide for such number of clerks in the office of the Clerk of the City Court as the needs of the service may demand.

Sec. 90. Incidental powers of the City Court. – The City Court shall have the power to administer oaths and to give certificates thereof; to issue summons, writs, warrants, executions and all other processes necessary to enforce its order and judgment; to compel the attendance of witnesses; to punish contempt of court by fine or imprisonment, or both, within the limitations imposed by the Rules of Court; and to require of any person arrested a bond for good behavior, to keep the peace, or for the further appearance of such person before a court of competent jurisdiction. But no such bond shall be accepted unless it be executed by the person in whose behalf it is made, with sufficient surety or sureties to be approved by said court.

Sec. 91. Procedure in the City Court in prosecution for violations of law and ordinances. – In a prosecution for the violation of any ordinance, the first shall process shall be summons; except that a warrant for the arrest of the offender may be issued in the first instance upon the affidavit of any person that such ordinance has been violated and that the person making the complaint has reasonable ground to believe that the party charge is guilty thereof, which warrant shall conclude: "Against the ordinance of the city in such case made and provided." All proceedings and

prosecutions for offenses against the laws of the Philippines shall conform with the rules relating to process, pleading, practice, and procedure for the judiciary of the Philippines, and such rules shall govern the City Court and its officers, in all cases insofar as the same may be applicable.

Sec. 92. Costs, fees, fines, and forfeitures in City Court. – There shall taxed against, and collected from the defendant, in case of conviction, in the City Court, such costs and fees as may be prescribed by the City Board not exceeding the amount charged in municipal courts for criminal cases. All costs, fees, fines, and forfeitures shall be collected by the Clerk of Court, who shall keep a docket of those imposed and of those collected, and shall turn over the collections of the same to the City Treasurer, for the benefit of the city, on the next business day after the same are collected, and take receipts therefrom. The City Judge shall examine said docket each day, compare the same with the amount receipted for by the City Treasurer, and satisfy himself that all such cost, fees, fines, and forfeiture have been duly accounted for.

Sec. 93. No person sentenced by the City Court can be confined without commitment – No person shall be confined in prison by sentence of the City Court until the warden or officer in charge or prison shall receive a written commitment showing offense for which the prisoner was tried, the date of the trial, the exact terms of judgement or sentence, and the date of order of the commitment. The clerk shall under seal of the Court, issue such a commitment in each case of sentence to imprisonment.

Sec. 94. Procedure on appeal from the City Court. – An appeal from the decision of the City Court shall proceed in the manner as provided for by existing law relating to appeals from municipal courts.

ARTICLE XIV. – BUREAUS PERFORMING MUNICIPAL DUTIES

Sec. 95. The General Auditing Office. – There shall be a City Auditor who shall have charge of the city auditing department. He shall receive and audit all accounts of the city in accordance with the provisions of law relating to Government accounts and accounting rules and regulations promulgated by the General Auditing Office.

Sec. 96. The Bureau of Public of Schools. – The Director of Public Schools shall exercise the same jurisdiction and powers in the city of as elsewhere in the Philippines and the Division Superintendent of Schools for the Province of Surigao del Norte shall have all the powers and duties with respect to the schools in the city as are vested in division superintendents with respect to the schools of their division.

The City Board shall have the same powers with respect to the establishment of schools as are conferred by law on municipal councils.

ARTICLE XV. – SPECIAL PROVISIONS

Sec. 97. Restrictive provisions. – No commercial sign, signboard, or billboard shall be erected or displayed on public land, premises, or buildings. If after due investigation and having given the owners an opportunity to be heard, the Mayor of the city decides that any sign, signboard, or billboard displayed or exposed to the public view is offensive to the sight or it otherwise, a nuisance, he may order the removal of such sign, signboard, or billboard shall thereupon be forfeited to the

city, and the expenses incident to the removal of the same shall become a lawful charge against any person or property liable for the erection or display thereof.

Sec. 98. Allotments of Internal Revenue and other taxes. – The present apportionment of internal revenue and other taxes accruing to the National Treasury under Chapter II, Title XII, of Commonwealth Act Numbered Four hundred sixty-six, as amended, shall remain the same, and the share accruing to the province shall be maintained.

Sec. 99. City acquisition and operation of utilities. – The city may own and operate any gas, water, heat, power, light, telephone or other public utility for supplying utility service to private consumers, or both. It may construct all facilities reasonably needed for that purpose and may acquire by purchase, condemnation or otherwise, any existing utility properties so needed; but no proceedings to acquire any public utility shall be consummated unless the city has the money in the treasury to paying for the property proposed to be acquired.

Subject to the provisions of any applicable law or Public Service Commission regulation the City Board may fix rates, fares, and prices for city-owned or operated utilities, but such rates, fares, and prices shall be just and reasonable. In like manner, the Board may prescribe the time and manner in which payments for all such services shall be made and may make such other regulation as may be necessary, and prescribe penalties for violation of such regulations.

The City Board may, in lieu of providing for the local productions of gas, electricity, water, and other utilities, purchase the same in bulk and resell them to local consumers at such rates it may fix in accordance with law.

The City Board may, if the public interest will be served thereby, contract with any responsible person, partnership, or corporation, for the operation of any utility owned by the city, upon the basis of the highest and best bid therefore, and upon a such terms and conditions other than the amount of the annual rental, shall be clearly set forth in an accordance authorizing the taking of bids on the proposed lease, which ordinance shall not be adopted by the Board until thirty days after its construction and shall not in the meantime be amended or modified.

Sec. 100. City to respect property of province. – The shall respect the ownership of the Province of Surigao del Norte of public property, utilities, and all other improvements belonging to the latter at the time of the creation of the former.

Sec. 101. Engineering funds. – The engineering fund of the city shall be considered as city funds as well as all sums of money accruing to the city by virtue of any Public Works Act approved by congress.

Sec. 102. Transitory provisions. – The incumbent elective officials of the Municipality of Surigao shall, upon the effectivity of this Chapter, continue to hold their corresponding offices or positions in the City of Surigao unless removed for cause as provided by law, or transferred.

Sec. 103. Change of government. – The city government provided for in this Chapter shall be organized upon the effectivity of this Act. All assets and liabilities of the Municipality of Surigao, Province of Surigao del Norte, shall pass to the new city upon its organization.

All ordinances, resolutions, orders or other regulations of said municipality on the date of the effectivity of this Act shall continue to be in full force and effect until repealed, modified or superseded by the City Board by ordinances.

Sec. 104. **Participation of voters in provincial elections.** – qualified voters of the City of Surigao shall be entitled to vote in any election for the offices of the Provincial Governor, Vice-Governor, and members of the Provincial Board of the Province of Surigao del Norte, and that any of such qualified voters can be a candidate for any provincial office.

Sec. 105. **Conduct of election in the City of Surigao.** – To carry out the purposes of the Revised Election Code in the election of public officers in the City of Surigao, the duties which are by said law made incumbent upon provincial boards and municipal councils shall be performed by the City Board and the duties imposed by said law upon provincial treasurers and municipal secretaries shall be performed by the City Treasurer and the Secretary of the Mayor, respectively.

Sec. 106. **Repealing clause.** – All laws, executive orders and proclamations or parts thereof inconsistent with any of the provisions of this Act are hereby repealed or modified accordingly.

Sec. 107. **Construction of this Act.** – If any part or section of this Act shall be declared unconstitutional such declaration shall not invalidate the other provisions thereof.

Sec. 108. **Effectivity of this Act.** – This Act shall take effect upon its approval.

Approved, August 31, 1970.

Seventh Congress)
of the Republic of the Philippines) H. No. 3037
Fifth Special Session)

Republic Act no. 6402

**AN ACT AMENDING CERTAIN SECTIONS OF REPUBLIC ACT
NUMBERED SIXTY-ONE HUNDRED THIRTY-FOUR,
KNOWN AS THE CHARTER OF THE CITY OF SURIGAO**

Be it enacted by the Senate and House of Representatives
of the Philippines in Congress assembled:

SECTION 1. Section three of Republic Act numbered Sixty-one hundred and thirty-four, known as the Charter of the City of Surigao, is hereby amended to read as follows:

"Sec. 3. **Territory of the City of Surigao** - The City of Surigao, which is hereby created, shall comprise the present territorial jurisdiction of the Municipality of Surigao in the Province of Surigao del Norte including the barrios of Punta Bilar, Ipil, Mabua, and Danao and their respective sitios, or as changed hereafter according to law."

SECTION 2. Section of eighty-eight of the same Act is hereby amended to read as follows:

"Sec. 88. **Regular and auxiliary judges of the city court** - There shall be a city for the City of Surigao consisting of two branches for which shall be appointed and designated two city judges to be known as judges of the first and second branch thereof, and a City Auxiliary Judge."

"The City Court shall have the same jurisdiction in civil and criminal cases and the same incidental powers as are at present conferred by law upon municipal courts and such additional jurisdiction and powers as may hereafter be conferred upon them by law or this charter."

"The auxiliary City Judge shall discharge the duties in case of absence, incapacity, or inability of any of the City Judges until the latter reassumes his post. During his incumbency, the Auxiliary City Judge shall enjoy the powers, emoluments and privileges of the City Judge."

SECTION 3. Any provision of Republic Act numbered Sixty-one hundred and thirty-four or any other laws, executive orders, proclamations or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 4. This Act shall take effect upon its approval.

Approved, October 4, 1971.