

[REPUBLIC ACT NO. 11550, May 27, 2021]

AN ACT DIVIDING THE PROVINCE OF MAGUINDANAO INTO TWO (2) PROVINCES, NAMELY: MAGUINDANAO DEL NORTE AND MAGUINDANAO DEL SUR

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

ARTICLE I

GENERAL PROVISIONS

SECTION 1. *Title.* - This Act shall be known as the "Charter of the Provinces of Maguindanao del Norte and Maguindanao del Sur."

SEC. 2. *Division of the Province of Maguindanao.* - The Province of Maguindanao is hereby divided into two (2) distinct and independent provinces to be known as Maguindanao del Norte and Maguindanao del Sur.

SEC. 3. *Composition.* - The provinces of Maguindanao del Norte and Maguindanao del Sur shall be composed of the following municipalities:

(a) Province of Maguindanao del Norte

(1) Barira;

(2) Buldon;

(3) Datu Blah Sinsuat;

(4) Datu Odin Sinsuat;

(5) Kabuntalan;

(6) Matanog;

(7) Northern Kabuntalan;

(8) Parang;

(9) North Upi;

(10) Sultan Kudarat;

(11) Sultan Mastura; and

(12) Talitay.

(b) Province of Maguindanao del Sur

(1) Ampatuan;

(2) Buluan;

(3) Datu Abdulla Sangki;

(4) Datu Anggal Midtimbang;

(5) Datu Hoffer Ampatuan;

(6) Datu Montawal;

(7) Datu Paglas;

(8) Datu Piang;

(9) Datu Salibo;

(10) Datu Saudi Ampatuan;

(11) Datu Unsay;

(12) Gen. Salipada K. Pendatun;

(13) Guindulungan;

(14) Mamasapano;

(15) Mangudadatu;

(16) Pagalungan;

(17) Paglat;

(18) Pandag;

(19) Rajah Buayan;

(20) Sharif Aguak;

(21) Sharif Saydona Mustafa;

(22) Sultan sa Barongis;

(23) Talayan; and

(24) South Upi.

SEC. 4. *Territorial Jurisdiction.* - The territorial jurisdiction of the provinces of Maguindanao del Norte and Maguindanao del Sur shall be within the present metes and bounds of all the municipalities that comprises the respective provinces.

The foregoing provision shall be without prejudice to the resolution by the appropriate agency or forum of existing boundary disputes or cases involving questions of territorial jurisdiction between the new provinces and adjoining local government units: *Provided,* That the territorial boundaries of the disputed area or areas shall remain with the local government unit which has existing administrative supervision over said area or areas until final resolution of the case.

SEC. 5. *Capital Towns and Seats of Government.* - The capital towns and seats of government of the provinces of Maguindanao del Norte and Maguindanao del Sur shall be the municipalities of Datu Odin Sinsuat and Buluan, respectively.

SEC. 6. *Corporate Powers of the Provinces.* - Each province constitutes a political body corporate and as such is endowed with the attributes of perpetual succession and possesses of the powers which pertain to a provincial corporation to be exercised in conformity with the provision of this Charter and Republic Act No. 7160, otherwise known as the "Local Government Code of 1991", as amended. Each province shall have the following corporate powers:

(a) To exercise continuous succession in its corporate name;

(b) To sue and be sued;

(c) To use a corporate seal;

(d) To acquire and convey real or personal property;

(e) To enter into contracts; and

(f) To exercise such other powers granted to corporations, subject to the limitations provided under the Local Government Code of 1991, as amended, and other laws.

SEC. 7. *General Powers.* - Each province shall have a common seal and may alter the same at its pleasure: *Provided,* That any change of corporate seal shall be registered with the Department of the Interior and Local Government (DILG). Each province shall have the power to create its sources of revenues and to levy taxes, fees and charges; to take, purchase, receive, hold, lease, convey and dispose of real and personal property for the general interests of the province; to expropriate or condemn private property for public use; to contract and to be contracted with; to sue and to be sued; to prosecute and defend to final judgment and execution, suits wherein the province is involved or interested in; and to exercise all the powers as are granted to corporations or as hereinafter granted, subject to the provisions of the Local Government Code of 1991, as amended.

SEC. 8. *Liability for Damages.* - Each province and its officials shall not be exempt from liability for death or injury to persons or damage to property.

SEC. 9. *Legislative Districts.* - Each province shall have its own legislative district comprising of the municipalities enumerated under Section 3 of this Charter, which shall take effect upon the election and qualification of its representative to be held on the second Monday of May 2022.

For the purpose of this section, the City of Cotabato shall be a part of the Lone Legislative District of the Province of Maguindanao del Norte.

The incumbent Representatives of the present Province of Maguindanao shall continue to represent their respective legislative districts until the expiration of their terms of office.

ARTICLE II

PROVINCIAL OFFICIALS IN GENERAL

SEC. 10. *Officials of the Provincial Government.* - (A) In each of the provinces of Maguindanao del Norte and Maguindanao del Sur, there shall be a provincial governor, a provincial vice governor, the regular members of the *sangguniang panlalawigan*, a secretary to the *sangguniang panlalawigan*, a provincial treasurer, a provincial assessor, a provincial accountant, a provincial budget officer, a provincial planning and development coordinator, a provincial engineer, a provincial health officer, a provincial administrator, a provincial legal officer, a provincial agriculturist, a provincial social welfare and development officers, a provincial veterinarian and a provincial general services officer.

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

(3) Consolidate the functions of any office with those of another in the interest of efficiency, economy, and public welfare.

Unless otherwise provided herein or under the Local Government Code of 1991, as amended, the heads of departments and offices shall be appointed by the provincial governor with the concurrence of a majority of all the *sangguniang panlalawigan* members, subject to civil service law, rules and regulations. The *sangguniang panlalawigan* shall act on the appointments within fifteen (15) days from the day of submission; otherwise, the same shall be deemed confirmed.

SEC. 11. *Residences and Office.* - The official residence and office of the provincial governor, during the latter's incumbency, shall be in the capital of the province. All elective and appointive provincial officials shall hold office in the provincial capital: *Provided, That, upon the resolution of the sangguniang panlalawigan, elective and appointive provincial officials may hold office in any component city or municipality within the province for period of not more than seven (7) days for any given month.*

Elective and appointive provincial officials shall receive such compensation, allowance and other emoluments as may be determined by law or ordinance, subject to the budgetary limitations on personal services prescribed under Section 325 of the Local Government Code of 1991, as amended: *Provided, That no increase*

in compensation shall take effect until after the expiration of the full term of all the elective officials approving such increase.

ARTICLE III

ELECTIVE PROVINCIAL OFFICIALS

SEC. 12. *The Provincial Governor.* - (a) The provincial governor, as the chief executive of the provincial government shall exercise such powers and perform such duties and functions as provided under the Local Government Code of 1991, as amended, and other laws.

(b) For efficient, effective and economical governance, the purpose of which is the general welfare of the province and its inhabitants pursuant to Section 16 of the Local Government Code of 1991, as amended, the provincial governor shall:

(1) Exercise general supervision and control over all programs, projects, services and activities of the provincial government and, in this connection, shall:

(i) Determine the guidelines of provincial policies and be responsible to the *sangguniang panlalawigan* for the program of government;

(ii) Direct the formulation of the provincial development plan, with the assistance of the provincial development council and, upon approval thereof by the *sangguniang panlalawigan*, implement the same;

(iii) Present the program of government and propose policies and projects for the consideration of the *sangguniang panlalawigan* at the opening of the regular session of the *sangguniang panlalawigan* every calendar year and as often as may be deemed necessary as the general welfare of the inhabitants and the needs of the provincial government may require;

(iv) Initiate and propose legislative measures to the *sangguniang panlalawigan* and, as often as may be deemed necessary, provide such information and data needed or requested in the performance of its legislative functions;

(v) Appoint all officials and employees whose salaries and wages are wholly or mainly paid out of provincial funds and whose appointments are not otherwise provided for in this Act, as well as those that the provincial governor may be authorized by law to appoint;

(vi) Represent the province in all its business transactions, and sign in its behalf all bonds, contracts and obligations, and such other documents upon the authority of the *sangguniang panlalawigan* or pursuant to law or ordinance;

(vii) Carry out such emergency measures as may be necessary during and in the aftermath of man-made and natural disasters and calamities;

(viii) Determine the time, manner and place of payment of salaries or wages of the provincial officials and employees, in accordance with law or ordinances;