

[REPUBLIC ACT NO. 10360, January 14, 2013]

AN ACT CREATING THE PROVINCE OF DAVAO OCCIDENTAL

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 Province of Davao Occidental”.

SEC. 2. *Province of Davao Occidental.* – There is hereby created a new province from the present Province of Davao del Sur to be known as the Province of Davao Occidental, consisting of the municipalities of Sta. Maria, Malita, Don Marcelino, Jose Abad Santos and Sarangani. The territorial jurisdiction of the Province of Davao Occidental shall be within the present metes and bounds of all the municipalities that comprise the Province of Davao Occidental.

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 Province of Davao Occidental and adjoining local government units (LGUs): *Provided*, That the territorial jurisdiction of the disputed area or areas shall remain with the LGU, which has existing administrative supervision over said area or areas until final resolution of the case.

SEC. 3. *Capital Town and Seat of Government.* – The capital town and seat of government of the new Province of Davao Occidental shall be the Municipality of Malita.

SEC. 4. *Corporate Powers of the Province.* – The province constitutes a political body corporate and as such is endowed with the attributes of perpetual succession and possessed of the powers which pertain to a provincial corporation to be exercised in conformity with the provision of this Charter and the 1991 Local Government Code, as amended. The province shall have the following corporate powers:

- (a) To have a continuous succession in its corporate name;
- (b) To sue and be sued;
- (c) To have and use a corporate seal;
- (d) To acquire, hold and convey real or personal property;
- (e) To enter into contracts and/or agreements; and

(f) To exercise such other powers, prerogatives or authority subject to the limitations provided in this Act or other laws.

SEC. 5. *General Powers.* – The 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). It shall have the power to create its sources of revenue and to levy taxes, fees and charges; to close and open roads, streets, alleys, parks or squares; 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 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 1991 Local Government Code, as amended.

SEC. 6. *Liability for Damages.* – The province and its officials shall not be exempt from liability for death or injury to persons or damage to property.

SEC. 7. *Legislative District.* – The Province of Davao Occidental shall have its own legislative district to commence in the next national and local elections after the effectivity of this Charter. Henceforth, the municipalities of Sta. Maria, Malita, Don Marcelino, Jose Abad Santos and Sarangani shall comprise the Lone Legislative District of the Province of Davao Occidental while the City of Digos and the municipalities of Malalag, Sulop, Kiblawan, Padada, Hagonoy, Sta. Cruz, Matanao, Bansalan and Magsaysay shall comprise the Lone Legislative District of the Province of Davao del Sur.

The incumbent Representatives of the present Province of Davao del Sur shall continue to represent their respective legislative districts until the expiration of their term of office.

ARTICLE II PROVINCIAL OFFICIALS IN GENERAL

SEC. 8. *Officials of the Provincial Government.* –

(a) There shall be in the Province of Davao Occidental: 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 officer, 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.

(c) The sangguniang panlalawigan may:

(1) Maintain existing offices mentioned in subsections (a) and (b) hereof;

(2) Create such other offices as may be necessary to carry out the purposes of the provincial government; or

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

Unless otherwise provided herein or in the 1991 Local Government Code, 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 appointment within fifteen (15) days from the day of its submission; otherwise, the same shall be deemed confirmed.

SEC. 9. *Residence and Office.* – During the incumbency of the provincial governor, he or she shall have his or her official residence and office 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 a period of not more than seven (7) days for any given month.

Elective and appointive provincial officials shall receive such compensation, allowances and other emoluments as may be determined by law or ordinance, subject to the budgetary limitations on personal services prescribed under Title V, Book II 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 10. *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 for in 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 the government;

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

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

(iv) Initiate and propose legislative measures to the sangguniang panlalawigan and as often as may be deemed necessary, provide such information and data needed or requested by said sangguniang panlalawigan 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 he or she 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 ordinance;

(ix) Allocate and assign office space to the provincial and other officials and employees who, by law or ordinance, are entitled to such space in the provincial capitol and other buildings owned or leased by the provincial government;

(x) Ensure that all executive officials and employees of the province faithfully discharge their duties and functions as provided for by law and the Local Government Code of 1991, as amended, and cause to be instituted administrative or judicial proceedings against any official or employee of the province who may have committed an offense in the performance of his or her official duties;

(xi) Examine the books, records and other documents of all offices, officials, agents or employees of the province and, in aid of his or her executive powers and authority, require all national officials and employees stationed in the province to make available to him or her such books, records and other documents in their custody, except those classified by law as confidential;

(xii) Furnish copies of executive orders issued by him or her to the Office of the President within seventy-two (72) hours after their issuance;

(xiii) Visit component cities and municipalities of the province at least once every six (6) months to deepen his or her understanding of problems and conditions, listen and give appropriate counsel to local officials and inhabitants, inform the officials and inhabitants of component cities and municipalities of general laws and ordinances which especially concern them, and otherwise conduct visits and inspections to ensure that the governance of the province will improve the quality of life of the inhabitants;

(xiv) Act on leave applications of officials and employees appointed by him or her and the commutation of the monetary value of their leave credits in accordance with law;

(xv) Authorize official trips of provincial officials and employees outside of the province for a period not exceeding thirty (30) days;

(xvi) Call upon any national official or employee stationed in or assigned to the province to advise him or her on matters affecting the province and to make recommendations thereon; coordinate with the said official or employee in the formulation and implementation of plans, programs and projects; and, when appropriate, initiate an administrative or judicial action against a national government official or employee who may have committed an offense in the performance of his or her duties while stationed in or assigned to the province;

(xvii) Authorize payment for medical care, necessary transportation, subsistence, hospital or medical fees of provincial officials and employees who are injured while in the performance of their official duties and functions, subject to the availability of funds;

(xviii) Represent the province in inter-provincial or regional sports councils or committees, and coordinate the efforts of component cities or municipalities in the regional or national palaro or sports development activities;

(xix) Conduct an annual palarong panlalawigan, which shall feature traditional sports and disciplines included in national and international games, in coordination with the Department of Education (DepED); and

(xx) Submit to the Office of the President the following reports: an annual report containing a summary of all matters pertinent to the management, administration and development of the province and all information and data relative to its political, social and economic conditions; and supplemental reports when unexpected events and situations arise at any time during the year, particularly when man-made or natural disasters or calamities affect the general welfare of the province, region or country;

(2) Enforce all laws and ordinances relative to the governance of the province and the exercise of the appropriate corporate powers provided for in Section 22 of the Local Government Code of 1991, as amended; implement all approved policies, programs, projects, services and activities of the province; and, in addition to the foregoing, shall:

(i) Ensure that the acts of the component cities and municipalities of the province and of its officials and employees are within the scope of their prescribed powers, duties and functions;

(ii) Call conventions, conferences, seminars or meetings of any elective and appointive officials of the province and its component cities and municipalities, including national officials and employees stationed in or assigned to the province, at such time and place and on such subject as he or she may deem important for the promotion of the general welfare of the province and its inhabitants;

(iii) Issue such executive orders for the faithful and appropriate enforcement and execution of laws and ordinances;

(iv) Be entitled to carry the necessary firearm within his or her territorial jurisdiction;

(v) In coordination with the mayors of component cities and municipalities and the National Police Commission, formulate the peace and order plan of the province and upon its approval, implement the same in accordance with Republic Act No. 6975; and