

[REPUBLIC ACT NO. 8983, December 05, 2000]

AN ACT CONVERTING THE MUNICIPALITY OF BAYAWAN IN THE PROVINCE OF NEGROS ORIENTAL INTO A COMPONENT CITY TO BE KNOWN AS THE CITY OF BAYAWAN

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 City of Bayawan."

SEC. 2. *The City of Bayawan.* - The Municipality of Bayawan shall be converted into a component city to be known as the City of Bayawan, hereinafter referred to as the City, which shall comprise the present territory of the Municipality of Bayawan, Negros Oriental Province. The territorial jurisdiction of the City shall be within the present metes and bounds of the Municipality of Bayawan, as follows:

Metes and Bounds:

Bounded on the South-West by Pagatban River along points 1to2;

Bounded on the North-West by Negros Occidental Province along Points 2 to 6;

Bounded on the North-East by Ilog (Sagumayan) River adjoining Bais City along Points 6 to 7; Bounded on the South-East by Municipality of Tanjay along points 7 to 11;

Bounded on the South by Sicopong River along points 11 to 12, by the Municipality of Sta. Catalina along Points 12 to 16 and by Sulu Sea along Points 16 to the point of beginning.

Beginning from the mouth of the Pagatban River along Sulu Sea as point 1 going upward following the course of Pagatban River to the point of intersection of Negros Oriental Province and Negros Occidental Province as point 2;

Thence, N 40 deg. 01'E., 682.62 M. to point 3; thence N 42 deg. 52'E., 3534.41 M. to point 4; thence, N 41 deg. 04'E., 5556.75 M to point 5; thence N 38 deg. 08'E., 6825.94 M. to point 6;

thence, following the course of Ilog (Sagumayan) River in South- East direction to the point of intersection between Bais City, Municipality of Tanjay and Municipality of

Bayawan as point 7;

thence South-West direction with approximate distance of 3.700 M. to 8; thence S 24 deg. 31'E., 6262.95 M. to point 9;

thence S 21 deg. 54'E., 1429.85 M. to point 10; thence S 22 deg. 47'E., 8101.28 M. to point 11;

thence following the course of Sicopong River in South-West direction to the point of intersection between Municipality of Bayawan and Municipality of Sta. Catalina as point 12;

thence N 05 deg. 10'W., 675.27 M. to point 13; thence S 54 deg. 20'W., 2991.31 M. to point 14; thence S 38 deg. 06'W., 365.93 M. to point 15; thence S 45 deg. 04'W., 1125.23 M. to point 16;

thence following the course of Sulu Sea in North-West direction up to the point of beginning, containing an approximate area of sixty-nine thousand nine hundred eight (69,908) hectares subject to future change upon approval of the cadastral survey of Bayawan, Negros Oriental.

Reference boundary data were based from unapproved Cad 1075-D of Bayawan Cadastral Point 2 equivalent to PBM No. 2, Point 4 equivalent to PBM No. 3, Point 5 equivalent to PBM No. 4, Point 6 equivalent to PBM No. 5, Point 8 equivalent to MBM No. 12, and MBM No. 8 of Cad 119 (Tanjay Cadastre), Point 9 equivalent to MBM No. 13, Point 10 equivalent to MBM No. 14, Point 11 equivalent to MBM No. 15, Point 12 equivalent to MBM No. 18, Point 13 equivalent to MBM No. 19, Point 14 equivalent to MBM No. 20, Point 15 equivalent to MBM No. 21, Point 16 equivalent to MBM No. 22.

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 City of Bayawan and the adjoining local government units.

SEC. 3. *Corporate Powers of the City.* - The City constitutes a political body corporate and as such is endowed with the attributes of perpetual succession and possessed of the powers which pertains to a municipal corporation to be exercised in conformity with the provision of this Charter. The City 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 any contracts and/or agreements; and
- f. To exercise such other powers, prerogatives or authority subject to the limitations provided in this Act or laws.

SEC. 4. *General Powers.* - The City shall have a common seal and may alter the same at pleasure. It shall exercise the powers to levy taxes; 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

City; to expropriate or condemn private property for public use; to contract and be contracted with, to sue and be sued; to prosecute and defend to final judgment and execution suits wherein the City is involved or interested in and to exercise all the powers as are granted to corporations or as hereinafter granted.

SEC. 5. *Liability for Damages.* - The City and its officials shall not be exempt from liability for death or injury to persons or damage to property.

SEC. 6. *Jurisdiction of the City.* - The jurisdiction of the City of Bayawan, for police purposes only, shall be coextensive with its territorial jurisdiction and for the purpose of protecting and ensuring the purity of the water supply of the City, such police jurisdiction shall also extend over all the territory within the drainage area of such water supply, or within one hundred meters (100 m.) of any reservoir, conduit, canal, aqueduct or pumping station used in connection with the city water service.

The regional trial courts and the city courts of the City of Bayawan shall have concurrent jurisdiction with the regional trial courts and the metropolitan trial courts or city or municipal trial courts of the adjoining municipalities to try crimes and misdemeanor committed within the said drainage area, or within said space of one hundred meters (100 m.). The court first taking jurisdiction of such offense shall thereafter retain exclusive jurisdiction thereof. But any license that may be issued within said zone, area or space shall be granted by the proper authorities of the city or municipality concerned, and the fees arising therefrom shall accrue to the treasury of the said city or municipality.

ARTICLE II

CITY OFFICIALS IN GENERAL

SEC. 7. *The Officials of the City of Bayawan.* -

- a. There shall be in the City: a city mayor, a city vice mayor, sangguniang panlungsod members, a secretary to the sangguniang panlungsod, a city treasurer and an assistant city treasurer, a city assessor and an assistant city assessor, a city accountant, a city budget officer, a city planning and development coordinator, a city engineer, a city health officer, a city civil registrar, a city administrator, a city legal officer, a city social welfare and development officer, a city veterinarian, a city general services officer, a city agriculturist, a city cooperatives officer, and an environment and natural resources officer;
- b. In addition thereto, the city mayor may appoint a city architect, a city information officer, and a city population officer;
- c. The City shall establish a city fire station to be headed by a city fire marshal, a city jail to be headed by a city jail warden, a city school division to be headed by a city school division superintendent, and a city prosecution service to be headed by a city prosecutor; and
- d. The City may:
 1. Maintain existing offices not mentioned in subsections (a) and (b) hereof;
 2. Create such other offices as may be necessary to carry out the purposes of the city government; or

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

Unless otherwise provided herein, heads of departments and offices shall be appointed by the city mayor with the concurrence of the majority of all the sangguniang panlungsod members, subject to civil service law, rules and regulations. The sangguniang panlungsod shall act on the appointment within fifteen (15) days from the day of its submission, otherwise the same shall be deemed confirmed.

ARTICLE III

THE CITY MAYOR AND VICE MAYOR

SEC. 8. *The City Mayor.* -

- A. The city mayor shall be the chief executive of the City. He shall be elected at large by the qualified voters of the City.

No person shall be eligible for the position of city mayor unless at the time of the election:

1. He is at least twenty-one (21) years of age;
2. An actual resident of the City for at least one (1) year prior to his election; and
3. A qualified voter therein.

He shall hold office for three (3) years, unless sooner removed, and shall receive a minimum monthly compensation corresponding to salary grade thirty (30) as prescribed under Republic Act No. 6758 and the implementing guidelines issued pursuant thereto.

- B. The city mayor, as the chief executive of the city government shall exercise such powers and perform such duties and functions as provided by the Local Government Code of 1991 and other laws:

1. Exercise those powers expressly granted to him by law, those necessarily implied therefrom, as well as powers necessary, appropriate or incidental for the efficient and effective governance of the City and those which are essential to the promotion of general welfare:

- a. Determine the guidelines of city policies and be responsible to the sangguniang panlungsod for the program of government;
- b. Direct the formulation of the city development plan with the assistance of the city development council and upon approval thereof by the sangguniang panlungsod, implement the same;
- c. Present the program of government and propose policies and projects for the consideration of the sangguniang panlungsod at the opening of the regular session of the sangguniang panlungsod every calendar year and as often as may be deemed necessary as the general welfare of the inhabitants and the needs of the city government may require;

- d. Initiate and propose legislative measures to the sangguniang panlungsod and as often as may be deemed necessary, provide such information and data needed or requested by said sanggunian in the performance of its legislative functions;
- e. Appoint all officials and employees whose salaries and wages are wholly or mainly paid out of city funds and whose appointments are not otherwise provided for in this Act as well as those he may be authorized by law to appoint except those who are to be appointed by the vice mayor as provided in Section 9 hereof;
- f. Represent the City in all its business transactions and sign on its behalf all bonds, contracts, obligations, and such other documents with authority from the sangguniang panlungsod or pursuant to law or ordinance;
- g. Carry out such emergency measures as may be necessary during and in the aftermath of man-made and natural disasters and calamities;
- h. Determine the time, manner and place of payment of salaries or wages of the city officials and employees, in accordance with law or ordinance;
- i. Allocate and assign office space to the city officials and employees who, by law or ordinance, are entitled to such space in the city hall and other buildings owned or leased by the city government;
- j. Ensure that all executive officials and employees of the City faithfully discharge their duties and functions as provided by law and this Act and cause to be instituted administrative or judicial proceedings against any official or employee of the City who may have committed an offense in the performance of his official duties;
- k. Examine the books, records and other documents of all offices, officials, agents or employees of the City and, in aid of his executive powers and authority, require all national officials and employees stationed in or assigned to the City to make available to him such books, records and other documents in their custody except those classified by law as confidential;
- l. Furnish copies of executive orders issued by him to the office of the governor within seventy-two (72) hours after their issuance;
- m. Visit component barangays of the City at least once every six (6) months to deepen his understanding of problems and conditions, listen and give appropriate counsel to local officials and inhabitants of general laws and ordinances which especially concern them, and otherwise conduct visits and inspections to ensure that the governance of the City will improve the quality of life of the inhabitants;
- n. Act on leave applications of officials and employees appointed by him and the commutation of the monetary value of their leave credits in accordance with law;
- o. Authorize official trips of city officials and employees outside of the City for a period not exceeding thirty (30) days;
- p. Call upon any national official or employee stationed in or assigned to the City to advise him on matters affecting the City and to make recommendations thereon; coordinate with said officials and employees in the formulation and implementation of plans, programs and projects; and when appropriate, initiate an