

**[ REPUBLIC ACT NO. 5495, June 21, 1969 ]**

**AN ACT CREATING BATANGAS CITY**

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

SECTION 1. This Act shall be known as the Charter of Batangas City.

*Article I.—General Provisions*

SEC. 2. *Territory of Batangas City.*—Batangas City, which is hereby created, shall comprise the present territorial jurisdiction of the Municipality of Batangas in the Province of Batangas.

The President of the Philippines may, by executive order, increase the territory of Batangas City by adding thereto such contiguous barrios or municipalities as may be necessary and desirable in the public interest.

SEC. 3. *Corporate character of the City.*—Batangas City constitutes a political body corporate and is endowed with the attribute 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. 4. *Seal and general powers of the City.*—The city shall have a common seal, and may alter the same at pleasure. It may take, purchase, receive, hold, ease, convey, and dispose of real and personal property for the general interests of the city, condemn private property of public use, contract and be contracted with, sue and be sued, prosecute and defend to final judgment and execution suits wherein said city is a party, and exercise the power hereinafter conferred.

SEC. 5. *The city not liable for damages.*—The city shall not be liable for damages or injuries to persons or property arising from failure of the Municipal Board, the Mayor, or any other city officer or employee to enforce the provisions of this Charter, or any other law or ordinance, or from negligence of said Municipal Board, Mayor or city officer or employees while enforcing or attempting to enforce the provisions: *Provided, however,* That nothing herein contained shall prevent any aggrieved party from filing a personal action in the proper court against any official or employee of the city government for any act or omission in the performance of his duties.

SEC. 6. *Jurisdiction of the City.*—The jurisdiction of Batangas City for police purposes shall be coextensive with its territorial jurisdiction and shall extend to three miles from the shore into Batangas Bay; and for the purpose of protecting and insuring the purity of the water supply of the city, such police jurisdiction shall also extend over 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 the city water service. The city court shall have concurrent jurisdiction with the municipal courts of the respective municipalities, to try crimes and misdemeanors committed within said drainage area, or within said spaces of one hundred meters. The court first taking jurisdiction of such an offense shall thereafter retain exclusive jurisdiction thereof. The police forces of the several municipalities concerned shall have concurrent jurisdiction with the police force of the city for the maintenance of good order and enforcement of ordinances throughout said zone, area and spaces. But any license that may be issued within said zone, area or space shall be granted by the proper authorities of the municipality concerned, and the fees arising therefrom shall accrue to the treasury of the said municipality, and not that of the city.

## Article II.—*The Mayor*

SEC 7. *The Mayor—His Election, Qualifications and Compensation.*—The Mayor shall be the chief executive of the city. He shall be elected by the qualified voters of the city during every election for provincial and municipal officials in conformity with the provisions of the Revised Election Code. No person shall be elected mayor unless at the time of the election he is at least twenty-five years of age, a resident of the city for at least five years prior to his election, and a qualified voter therein. He shall hold office for four years unless sooner removed and shall receive a salary as provided by law.

SEC. 8. *The Vice-Mayor*—There shall be elected a Vice-Mayor who shall be the presiding officer of the Municipal Board. The Vice-Mayor shall be elected in the same manner as the Mayor and shall at the time of his election possess the same qualifications as the Mayor. He shall receive an annual salary as provided by law.

The Vice-Mayor shall perform the duties and exercise the powers of the Mayor in the event of the latter's sickness, absence or other temporary incapacity to discharge the powers and duties of his office. In the event of a permanent vacancy in the Office of the Mayor, the Vice-Mayor shall become Mayor for the completion of the unexpired term. If the Vice-Mayor is temporarily incapacitated for the performance of his official duties, or is serving as Acting Mayor, the member of the Municipal Board who received the highest number of votes in the last election shall serve as Acting Vice-Mayor, and in the event of such inability of the elected Mayor, the Vice-Mayor is, for any reason, temporarily incapacitated for the performance of the duties of the Mayor, or the Office the Vice-Mayor is vacant, the member of the Board received the highest number of votes in the last election, shall serve as Acting Mayor and while so serving not perform any duty as member of the Board. In event, the remaining members of the Board shall elect from among themselves the presiding officer. When, ever the Vice-Mayor performs the duties and exercises the powers of the Mayor, he automatically ceases to be the presiding officer of the Municipal Board. Where a member of the Municipal Board exercises the functions of the Vice-Mayor, said member ceases to take part in the deliberations of the Board except to preside. For service as Acting Mayor or Acting Vice-Mayor, the Vice-Mayor or member of the Board shall receive a total compensation equivalent to the salary of the Mayor or Vice-Mayor, as, the case may be, during the period of such services.

The Vice-Mayor shall appoint all the employees of the Municipal Board and shall perform such other duties as may be prescribed by law or ordinance.

SEC. 9. *General powers and duties of the Mayor.*—Unless otherwise provided by law, the Mayor shall have immediate control over the executive and administrative functions of the different departments of the city. He shall have the following general powers and duties:

- a. To comply with and enforce and give the necessary orders for the faithful enforcement and execution of the provisions of this Charter and other laws and ordinances in effect within the jurisdiction of the city;
- b. To safeguard all the lands, buildings, records, moneys, credits and other properties and. rights of the city, and subject to the provisions of this Charter, have control over 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 payment of the municipal 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 interests of the city;
- e. To see that the executive officers and employees of the city properly discharge their respective duties. The Mayor may, in the interest of the service, transfer officers and employees not appointed by the President of the Philippines from one section, division, or service to another section, division or service of any department without changing the compensation and rank;
- f. To examine and inspect the books, records, and papers of all officers, agents, and employees of the city over whom he has executive supervision and control at least once a year, and whenever occasion arises. For this purpose he shall be provided by the Municipal Board with such clerical or other assistance as may be necessary;
- g. To give such information and recommend such measures as he shall deem advantageous to the city;
- h. To attend, if he wishes to do so, either in person or by a duly authorized representative, the session of the Board and participate in its discussions, 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 laws and ordinances;
- j. To submit to the Municipal Board at least two months before the beginning of the ensuing fiscal year a budget of receipts and expenditures of the city;
- k. To receive, hear, and decide as he may deem proper the petitions, complaints, and claims of the residents concerning all classes of municipal matters of an administrative and/or executive character;
- l. To grant or refuse municipal licenses or permits of all classes and to revoke the same for violation of the condition or conditions upon which they were

granted, or if acts prohibited by law or ordinance are being committed under the protection of such licenses or in the remises in which the business for which the same has been granted is carried on, or for any other good reason of general interest;

- m. To take such emergency measures as may be necessary to avoid fires and floods and to mitigate the effects of storms, and other public calamities;
- n. The provisions of any existing laws to the contrary notwithstanding, to conduct administrative investigation of members of the city police department: *Provided*, That the power to conduct the investigation granted herein may be delegated to any ranking official of the city, or to a special committee or board, the members of which shall be designated by the Mayor. Such investigation shall be conducted in accordance with the rules to be prescribed by the Municipal Board;
- o. To request, if public safety and interest so require, the assistance of the Philippine Constabulary and other police agencies in maintaining peace and order in the city, and only in such cases of specific request made can the Philippine Constabulary or other police agencies intervene in the preservation of peace and order;
- p. To submit an annual report to the Office of the President;
- q. To perform such other duties and exercise such executive powers as may be prescribed by law or ordinance; and
- r. Subject to the provisions of the Civil Service Law to appoint all officers and employees of the city, except those whose appointments are vested in the President of the Philippines, or otherwise provided by law.

As herein conferred, the Mayor shall have the power to appoint employees whose duties are strictly confidential in nature, the same to hold office at his pleasure: *Provided, however*, That the appointments shall not be subject to the confirmation of the Municipal Board.

SEC. 10. *Secretary to the Mayor.*—The Mayor shall appoint one secretary who shall hold office at the pleasure of the Mayor and who shall receive a compensation as provided for by law.

The Secretary shall have the rank of a department head and 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 resolutions signed by the Mayor and to all other official documents and papers of the government of the city as may be required by law or ordinance; shall attest all executive orders, proclamations, ordinances and resolutions signed by the Mayor; shall, upon request, furnish certified copies of all city records and documents in his charge which are not of a confidential nature and charge twenty centavos for each one hundred words including the certificates, the fees to be paid directly to the city treasurer. He shall also perform such duties as are required by the heads of departments of the city

government by ,section eighteen hereof, and such other duties as the Mayor may require of him.

### Article III.—*The Municipal Board*

SEC. 11. *Constitution and organization of the Municipal Board—Compensation of members thereof.*—The Municipal Board shall be the legislative body of the city and shall be composed of the Vice-Mayor, who shall be its presiding officer, and eight councilors who shall be elected at large by the qualified voters of the city during every election for provincial and municipal officials in accordance with the provisions of the Revised Election Code. The Vice-Mayor shall have no right to vote except in case of a tie, nor shall his presence be counted in the determination of a *quorum*.

In case of sickness, absence, suspension or other temporary disability of any member of the Board, or if necessary to maintain *quorum*,, the President of the Philippines may appoint a temporary substitute, who must be a member of the same political party to which the regular councilor belongs, excepting those cases where an independent or partyless councilor is the one sick, absent, suspended or temporarily disabled.

The substitute shall possess all the rights and perform all the duties of a member of the Board until the return to duty of the regular incumbent. The members of the Board shall receive a salary as provided for by law, and are given the privilege to engage in the practice of their profession.

SEC 12. *Qualifications, election, suspension, and removal of members.*—The members of the Municipal Board shall, at the time of their election, be qualified electors of the city, residents thereof for at least five years immediately prior to their election and not less than twenty-three years of age. Such members may be suspended or removed from office under the same circumstances, in the same manner, and with the same effect, as elective provincial officers, and the provisions of law governing the suspension or removal of elective provincial officers are hereby made applicable in the suspension or removal of said members.

Elections for members of the Board shall be held on the date of the regular election for provincial and municipal officers, and elected members 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. The eight candidates receiving the greatest number of votes shall be declared elected.

A vacancy in the Municipal Board shall be filled in accordance with the provisions of the Revised Election Code.

SEC. 13. *Secretary of the Board—His appointment, salary and duties.*—The Board shall have a secretary who shall be appointed by the presiding officer with the concurrence of the majority of all the members of the Board. He shall serve during the term of office of the members thereof. The compensation of the secretary shall be as provided for, by law. A vacancy in the office of the secretary shall be filled temporarily for the unexpired term in like manner.

The Secretary shall be in charge of the records of the Municipal Board. He shall keep