

**[ REPUBLIC ACT NO. 5519, June 21, 1969 ]**

**AN ACT CREATING THE CITY OF MUNICIPALITY OF MANDAUE**

*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 Mandaue City.

*Article I.—The City as a Public Corporation*

SEC. 2. *Territory of Mandaue City.*—The City of Mandaue which is hereby created shall comprise the present territorial jurisdiction of the Poblacion and the following barrios of Alang-alang, Banilad, Basak, Cabancalan, Cambaro, Canduman, Casili, Casuntingan, Centro, Cubacub, Guizo, Ibabao, Jagobiao, Labogon, Looc, Maguikay, Mantuyong, Opao, Pagsabungan, Paknaan, Subangdaku, Tabok, Tawason, Tingub, Tipolo, Umapad, and all other barrios of the Municipality of Mandaue, Province of Cebu.

SEC. 3. *Corporate Character.*—The City of Mandaue, per called the City, constitutes a political body corporate and as such is endowed with the attribute of perpetual succession and possessed of the powers which a municipal corporation to be exercised in conformity with the provisions of this Charter.

SEC. 4 *General Powers.*—The city shall have a common seal and may alter the same at pleasure, and may take, purchase, receive, hold, lease, convey, and dispose of real and personal property for the general interests of the city, condemn private property for the use of the public contract and be contracted with, sue and be sued, and prosecute as well as defend to final judgment and execution, actions where its interests are involved, and exercise all the powers hereinafter conferred.

SEC. 5. *Liability for damages.*—The city shall not be liable or held for damages or injuries to persons or property arising from the failure of the City Mayor, the City Council or any other city officer or employee, to enforce the provisions of this Charter, or of any other law ordinance, or from the negligence of said Mayor, City Council, or other city officers or employees while enforcing or attempting to enforce said provisions: *Provided, however,* That nothing herein contained shall prevent a aggrieved party from filing a personal action in 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 d city for police purpose shall be co-extensive with its territorial jurisdiction, and shall extend to three miles from the shores of the city; and for purposes of protecting and insuring the purity of the water supply of the city, such police jurisdiction shall also extend over 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 of the city shall have concur jurisdiction with the Municipal or City Courts of the joining municipalities or cities, to try crimes and misdemeanors committed within said drainage area, or within said spaces of one hundred meters. The court first cognizance thereof shall have jurisdiction to try said cases to the exclusion of the others. The police force of the municipality and city concerned shall have concur jurisdiction with the police force of the city for the maintenance of good order and the enforcement of ordinance throughout said zone, areas or spaces.

SEC. 7. *Reclamation of foreshore lands.*—The city alone authority to reclaim foreshore lands including, submerged lands within its jurisdiction in accordance with provisions of Republic Act Numbered Eighteen hundred ninety-nine: *Provided, however,* That should the city reclaim the said foreshore lands and submerged lands through third parties, the contracts relating thereto shall become effective only when the said contracts shall have been approved by the City Council and the City Mayor.

## Article II.—*The Mayor, Vice-Mayor and the Secretary*

SEC. 8. *The Mayor.*—The 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 mayor unless at the time of the election is at least twenty-five years of age, a resident of the city for at least ten 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 provide for by existing laws. The City Council may approbate such sum of money as may be necessary for the house allowance of the Mayor, not to exceed two hundred pesos monthly, or commute the same in addition to his salary. The City Mayor shall be vested with authority 1 power to fix and approve official travels of all officials and employees paid out of the city funds, subject however, auditing rules and regulations.

SEC. 9. *The Vice-Mayor*—There shall be elected a Vice-mayor who shall perform the duties and exercise the of the mayor in the event of death, sickness, or other temporary incapacity of the mayor. 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.

If, for any reason the Vice-Mayor is temporarily incapacitated for he performance of the duties of the office of the Mayor, or said office of the Vice-Mayor shall be vacant, the duties and powers of the mayor shall be formed and exercised by a member of the City Council who has obtained the highest number of votes in, preceding elections. Whenever the Vice-Mayor performs the duties and exercise the powers of the Mayor, he automatically ceases to be the presiding officer of the Council. Where a member of the City Council exercises the functions of the Vice-Mayor, said member ceases temporarily to take part in the deliberations of the Council except to preside. When the offices of the City Mayor and the Vice-Mayor are left vacant by virtue of the death or permanent disability of the incumbents, the vacant shall be filled by the councilor who obtained the highest number of votes in the preceding elections and in cased said councilor can not likewise perform the duties and exercise the powers and functions of the office of t Mayor, the councilor who obtained the next highest number of votes in the preceding elections should fill the vacancy and so on with this order of succession down to the last councilor.

The Vice-Mayor shall perform such other duties as may be assigned to him by the mayor or prescribed by law or ordinance. He shall receive a salary as provided for by existing laws.

SEC. 10. *General powers and duties of the Mayor.*— Mayor shall have immediate control over the execution and administrative functions of the different departments of the city, subject to the supervision of the Preside of the Philippines. 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 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 and administration of all property owned and operated by the city.

(c) To see that all taxes and other revenues of the city are collected and applied in accordance with appropriations to the payment 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 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 except those appointed by the President of the Philippines from one section, division, or service to another section, division or service within the same department without decreasing the compensation they receive.

(f) To examine and inspect, excepting that of the City Treasurer, the books, records and papers of all officers, agents, and employees of the city over whom he has executive supervision and control whenever occasion arises at least once a year. For this purpose he shall be provided by the City Council with such clerical or other assistance as may be necessary.

(g) To give such information and recommend such measures to the City Council as he shall deem advantageous to the city.

(h) To attend, if he wishes to do so, either in person duly authorized representative, the session of the City Council and participate in its discussions, but not to vote.

(i) To represent the city in all its business matters, on its behalf all its bonds, contracts and obligations made in accordance with law and ordinances.

(j) To submit to the City Council at least sixty days 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 Pr the petition, complaints, and claims concerning all classes of city matters of an administrative or executive character.

(l) To grant or refuse city licenses or permits of classes and to revoke the same for violation of the conditions upon which they are granted, or if acts prohibit by law or city ordinance are being committed under a protection of such licenses or in the premises in which the business for which the license has been granted carried, for any other good reason of general interest.

(m) To exempt, after consultation with the City superintendent of Schools, deserving poor pupils from payment of school fees or any part thereof.

(n) To take such emergency measures as may be necessary to avoid fires, floods, and to mitigate the effects of storms and other public calamities.

(o) To appoint special agents and confidential assistants to assist him in the performance of his duties.

(p) To grant absolute or conditional pardon to persons convicted for violation of the city ordinances.

(q) To perform such other duties and exercise such other powers as may be prescribed by law or ordinance.

Sec. 11. *Secretary to the Mayor or the City Secretary.*—The Mayor shall appoint one secretary who shall have the rank of a department head and who shall have charge and custody of all records and documents of the city and of any office or department thereof, exceptions those of the departments of finance and assessment as prescribed in Section twenty-two, Article V, of this Act; shall keep the corporate seal and affix the same with h signature to all ordinances and resolutions signed by Mayor and all other official documents and papers of government of the city as may be required by

Laws or ordinances; shall attest all executive orders, proclamations, ordinances and resolutions signed by the Mayor and shall perform such other duties as the Mayor may require of him; shall upon request furnish certified copies records and documents in his charge which are confidential in nature, and collect and receive therefor such fees as may be prescribed by law or resolution of the City Council by issuing the required official receipts a and have his collections turned over to the City Treasurer next day; if such day is a Sunday or a holiday, working day; he shall also perform such duties required of heads of departments of the city government by Section twenty-two hereof. The position of Secretary shall he 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 be entitled to all the benefits and privileges of classified employees, except that he holds office only during term of the

appointing Mayor and until a successor in the office of the secretary is appointed and qualified, unless sooner separated. He shall receive a salary as provided for in existing laws.

### Article III.—*The City Council*

SEC 12. *Constitution and Organization of the City Council*—The City Council shall be the legislative body of the city, and shall be composed of the Vice-Mayor, who will be its presiding officer, and eight councilors who will be elected at large by the qualified voters of the city. The Vice-Mayor shall have no right to vote except of a tie.

If the Vice-Mayor or n member of the City Council be a candidate for office in any election, he shall qualified to act with said body in the performance of the duties thereof relative to such election, and if, for such reason, the number of members should be unduly reduced, the President shall appoint any disinterested voter of the City belonging to the political party of the disqualified member, to act in his place in such matters.

The members of the City Council shall receive a salary as provided for in existing laws.

SEC. 13. *Qualifications, election, suspension and removal of members.*—The members of the City Council shall the time of their election, be qualified electors of the residents thereof for at least ten years immediately 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 and the provisions of law governing the suspension and removal of elective provincial officials are hereby made applicable in the suspension and removal of said members.

Election for members of the City Council shall be held on the date of the regular election for provincial municipal officials, 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 City Council shall be filled in accordance with the provisions of the Revised Election Code.

SEC. 14. *Secretary of the City Council.*—The council shall have a secretary who shall be appointed by the City Mayor upon the recommendation of the City Council serve during the term of office of the members thereof. The compensation of the secretary shall be fixed in accordance with the provisions of existing laws.

The secretary shall be in charge of the records of the proceedings of the City Council and file all documents relating thereto; shall record, in a book kept for that purposes, all ordinances and all resolutions and motions directing the payment of money or creating liability, enacted or adopted by the Council, with the dates of passage of the same, and of the publication of ordinal shall keep the seal, circular in form, with the inscription, "City Council Mandaue City" in the center of which be