

[REPUBLIC ACT NO. 5972, June 21, 1969]

AN ACT AMENDING REPUBLIC ACT NUMBERED FORTY-SIX HUNDRED FORTY-FIVE, KNOWN AS THE CHARTER OF THE CITY OF OLONGAPO.

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

SECTION 1. Section seven of Republic Act Numbered Forty-six hundred forty-five is hereby amended to read as follows:

*"SEC. 7. Income, receipts and profits derived from sale and/or administration of alienable and disposable lands of the public domain.—All incomes, receipts and profits derived from the sale, disposition and/or administration of alienable and disposable lands of the public domain within the City of Olongapo shall accrue to a special fund of the city, notwithstanding any provision of law to the contrary, to be used exclusively to finance, directly or indirectly, the public works projects of the City of Olongapo, and shall not be used as a source of funds for the general budget of the City. Direct appropriation of funds from said Special Fund shall be established and made in accordance with a long-term development plan listing projects qualified herein and duly approved by the City Council, upon recommendation by the City Mayor: *Provided*, That unless such a long term development plan for the City of Olongapo is officially approved by the City Council, no appropriation from the said Special Fund may be legally made: *Provided, further*, That interests and dividends earned by the indirect use of said Special Fund to finance development projects may be used for the general budget of the City."*

SEC. 2. The same Act is further amended by inserting Section seven-A between sections seven and eight thereof to read as follows:

"SEC. 7-A. Lands exempted from public auction.—All commercial and residential lands within the City shall be exempted from the requirement of sale by public auction and the actual and/or legal possessor thereof, shall be given priority in acquiring the lands they occupy notwithstanding the provision of any law to the contrary."

SEC. 3. Subsection (e), section ten of the same Act is hereby amended to read as follows:

"(e) To see that the executive officers and employees of the City properly discharge their respective duties and file administrative charges in accordance with the Civil Service Law against erring employees or officials who are receiving fully their salaries from the City and appointed by him or whose appointment is vested in him by the Decentralization Act and other laws, except the chief of police, notwithstanding the provision of any law to the contrary."

SEC. 4. Section twenty-two of the same Act is amended to read as follows:

"SEC. 22. *Officers not to engage in certain transactions.*—It shall be unlawful for any city officer, directly or indirectly, individually or as a member of a firm, to engage in any business transaction, with the city or with any of its authorized officials, boards, agents or attorneys whereby money is to be paid, directly or indirectly, out of the resources of the city to such person or firm."

SEC. 5. Section twenty-five of the same Act is hereby amended to read as follows:

"SEC. 25. *The city fiscal—His powers, duties and compensation.*—There shall be a city fiscal, who shall be the chief prosecuting officer of the city. There shall be eight assistant city fiscals, who shall be known as the first, second, third, fourth and fifth assistant city fiscals, respectively, and three assistant city fiscals with equal rank. The city fiscal and his assistants shall each receive the salary provided for in existing laws to be payable from national funds: *Provided, however,* That their salaries shall be paid from city funds until such time as the appropriation of the same has been included in the annual Appropriations Act. The city fiscal shall, subject to the general supervision of the Secretary of Justice, have the following general powers and duties:

"(a) He shall investigate all charges of crimes, misdemeanors, and violations of laws and city ordinances and prepare the necessary information or make the necessary complaints against the persons accused. He may conduct such investigation by taking oral evidence of reputed witnesses and for this purpose may, by *subpoena* or *subpoena duces tecum* summon witnesses to appear and testify under oath before him, or produce documents and other evidence before him, and the attendance of, or the production of documents and other evidence by an absent or recalcitrant witness may be enforced by application for "warrant of arrest to the city court or the Court of First Instance.

"(b) He shall have charge of the prosecution of all crimes, misdemeanors and violations of laws and city ordinances triable in the Court of First Instance of Zambales and the city court, and shall discharge all the duties in respect to criminal prosecution enjoined by law upon provincial fiscals.

"(c) He shall cause to be investigated the causes of sudden deaths which have not been satisfactorily explained and when there is suspicion that the cause arose from unlawful acts or omissions of other persons or from foul play. For that purposes he may cause autopsies to be made in case it is deemed necessary and shall be entitled to demand and receive for the purpose of such investigation or autopsies the aid of the city health officer.

"(d) He shall at all times render such professional services as the Mayor or City Council may require, and shall have such powers and perform such duties as maybe prescribed by law or ordinances."

SEC. 6. Paragraph (k) is hereby inserted between paragraph (j) and Section twenty nine of the same Act.

"(k) He and his representatives shall have the power to arrest violators of health laws, ordinances, rules and regulations and to recommend the revocation or suspension of the permits of the different establishments to the City Mayor for violation of health laws, ordinances, rules and regulations."

SEC. 7. Section thirty of the same Act is hereby amended to read as follows:

"SEC. 30. *The Deputy Chief of Police.*—There shall be a deputy chief of police whose duties shall be to act as chief in the absence or incapacity of the chief of police and, under the direction of the chief of police to look after the discipline of the police force and perform such other duties as may be imposed upon him by the chief or prescribed by law or ordinance. He shall receive a compensation of not less than ten thousand two hundred pesos *per annum*."

SEC. 8. Section thirty-five of the same Act is hereby amended to read as follows:

"SEC. 35. *Deputy Chief of the Fire Department.*—There shall be a deputy chief of the fire department whose duties shall be to act as chief in the absence or incapacity of the chief of the fire department, and, under the direction of the chief of the fire department, to look after the discipline of the fire force and perform such duties as may be imposed upon him by the chief or prescribe by law or ordinance. He shall receive a