

[REPUBLIC ACT NO. 5412, June 15, 1968]

AN ACT CREATING THE CITY OF GENERAL SANTOS

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

ARTICLE I.—*Title of Act*

SECTION 1. *Title.*—This Act shall be known as the "Charter of the City of General Santos."

ARTICLE II.—*The City as a Public Corporation*

SEC. 2. *Territory of the City of General Santos.*—The City of General Santos, which is hereby created, shall comprise the present territorial jurisdiction covering all the barrios and sitios comprising the Municipality of General Santos in the Province of South Cotabato, except the barrios and sitios of Upper Malungon, Tagaytay, Malalag-Cogon, Malungon, Diangan, Manteo, Lower Manteo, Mainit, Kiblat, Upper Mainit, Kabang, Kitakal, Lumabat, Cabatuan, Lutay, Tamban, Lampanal, Labay, Malandag, Alta-i, Lambatot and Lulay.

SEC. 3. *Corporate Character.*—The City of General Santos, hereinafter called the city, constitute a political body corporate and as such is endowed with the attribute of perpetual succession and possessed of the powers which pertain a municipal corporation, to be exercised in conformity with the provisions of this Charter. The provisions of this Charter shall be liberally construed in favor of the city, to the end that it may have all the necessary powers for the efficient conduct of its city affairs. The specific mention of particular powers in other sections Charter shall not be construed as limiting the powers of the city in the premises to those thus mentioned.

SEC. 4. *Seal and General Powers.*—The City shall a common seal, and may alter the same at pleasure may take, purchase, receive, hold, lease, convey, and pose of real and personal property for the general inter of the city, condemn private property for public use tract and be contracted with, sue and be sued, 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. *The City not liable fordamages.*—Theft 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 law or 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 any aggrieved party from filing a personal action in the proper com against any official

or employee of the city government any act or omission in the performance of his duties.

SEC.6. *Police jurisdiction of the City.*—The jurisdiction of the City for police purposes shall be co-extensive with its territorial jurisdiction and shall extend to three miles from the shores of the city; and for the purpose protecting and insuring the purity of the water supply the city, such police jurisdiction shall also extend over all territories within the drainage area of such water supply or within five-hundred meters of any reservoir, canal, aqueduct, or pumping station used in connection the 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 five hundred meters. The courts 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 force of the city for the maintenance of order and the enforcement of ordinances throughout said zone, area aces. But any license that may be issued within said zone area or spaces 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 concerned and not to that of the city.

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 ded from the sale, disposition and/or administration of alienable and disposable lands of the public domain within the City shall accrue to the city notwithstanding any provision of law to the contrary.

ARTICLE III.—*The Mayor and the Vice-Mayor*

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 date of the election he is at least twenty-five years of age, a resident of the city or at least two years prior to his election, and a qualified voter therein. He shall hold office for four years until his successor shall have been duly elected and qualified, unless sooner removed for cause, and shall receive a salary of ten thousand eight hundred pesos *per centum* and a "Mutable house allowance of five hundred pesos monthly.

SEC. 9. *The Vice-Mayor.*—There shall be a vice-mayor shall perform the duties and exercise the powers of mayor, in the event of the death, sickness, absence or temporary incapacity of the mayor, or in the event definite vacancy in the position of mayor, until said shall be filled, in accordance with law. The Vice-Mayor shall be elected in the same manner as the City Mayor and shall possess the same qualifications as the latter. If, for any reason, the vice-mayor is temporarily incapacitated for the performance of the duties of the City Mayor, or said office of the vice-mayor is vacant, the duties and powers of the mayor shall be performed and executive a member of the City Council who obtained the highest number of votes during the elections for members City Council. Whenever the vice-mayor performs the duties and exercises the powers of the mayor, he automatically ceases to be the presiding officer of the City 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 city council except to preside. Where the offices of the

city mayor and the vice-mayor are left vacant by virtue of the death or permanent disability of the incumbents, vacancies shall be filled in the manner provided by existing law.

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 of nine thousand pesos *per annum*, notwithstanding any provisions of law to the contrary.

SEC. 10. General powers and duties of the Mayor.—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 laws and ordinances in effect within the jurisdiction of the city;

(b) To safeguard all the lands, buildings, records, moneys, credits, and other property 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 whenever 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 and subject to the provisions of existing law, transfer officers and employees not appointed by the President of the Philippines from one section, division, or service to another section, division, or service within the same department without changing the compensation they receive;

(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 whenever occasion arises and 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 or by a 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, and on its behalf all its bonds, contracts, and obligations made in accordance with law or

ordinance;

(j) To submit to the City Council at least two months ore 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 administrate or executive character;

(l) To grant or refuse municipal licenses or permits of all classes and to revoke the same for violation of the conditions upon which they were granted, or if acts by law or city ordinance are being committed under protection of such licenses or in the premises 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 exempt, with the concurrence of the superintendent of schools, deserving poor pupils from the payment of school fees or of any part thereof;

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

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

SEC. 11. *Secretary to the Mayor.*—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 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 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, and shall perform such other duties as the mayor may require of him; shall upon request, and upon payment of the prescribed fees, furnish certified copies of all city records and documents in his charge which are not confidential in nature.

He shall also perform such duties as are required by the heads of departments of the city government by Section nineteen hereof.The position of the secretary shall be regarded as within the unclassified civil service but may filled in the same manner in which classified position filled, and if so filled, the appointee shall be entitled to all the benefits and privileges of classified employees, except that he holds office only during the term of the appointing mayor, and until a successor in the office of the

secretary is appointed and qualified, or unless sooner separated. He shall receive a salary of five thousand four hundred pesos *per annum* notwithstanding any provision of law to the contrary.

ARTICLE IV.—*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 shall be the presiding officer and twelve councilors who shall be elected at large 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. The vice-mayor shall have no right to vote except in case of tie.

If the vice-mayor or a member of the city council shall be a candidate for office in any election, he shall be disqualified 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 mayor shall appoint any qualified voter of the city to act in his place in such matters. The members of the city council shall each receive a salary of seven thousand two hundred pesos each *per annum* notwithstanding any provision of law to the contrary.

SEC. 13. *Qualifications, election, suspension and removal of members.*—The members of the city council shall, at the date of their elections, be qualified electors of the city, residents thereof for at least two years immediately prior to their election and not less than twenty-five years of age. Such members may be suspended or removed from office under the same circumstances, in the same manner, and with 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 council shall be held on the date of the regular election for provincial and municipal offices, 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 twelve candidates receiving the greatest number of shall be declared elected.

A vacancy in the city council shall be filled in accordance with the provisions of existing law.

SEC. 14. *Secretary of the city council.*—The city council shall have a secretary, who shall be elected by it to service during the term of office of the members. A vacancy in the office of secretary shall be filled temporarily or for the unexpired term in like manner.

The secretary shall be in charge of the records of the city council. He shall keep a complete record of the proceedings of the council, and file all documents relating thereto; shall record, in a book kept for that purpose, all ordinances and all resolutions and motions directing the payment of money or creating liability, enacted or adopted by the council with dates of passage of the same, and of the publication of ordinances, shall keep a seal, circular in form with inscription "City Council—City of General Santos", in the center of which shall be placed the 'Coat of Arms' of the city, and affix the same, with his signature, to all ordinances and other official acts of the council, and shall present the same for signature to the presiding officer; shall cause each ordinance passed to be published as herein provided; shall upon request, and upon payment of the prescribed fee, furnish certified copies of all records of public character in his charge under the seal of his office, and shall keep in his office all records therein which are not confidential in nature, open to public