

[ **REPUBLIC ACT NO. 5261, June 15, 1968** ]

**AN ACT CREATING THE CITY OF IRIGA**

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

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

ARTICLE I.—*General Provisions*

SEC. 2. *Territory of the city.*—The City of Iriga which is hereby created shall comprise the present territorial jurisdiction of the Municipality of Iriga in the Province of Camarines Sur.

SEC. 3. *Corporate character of the city.*—The city shall constitute a political body corporate and as such 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 which shall be used in all documents of official character, and may alter the same at Pleasure. It may take, purchase, receive, hold, lease, convey, and dispose of real and personal property for public use, contract and be contracted with, sue and be sued, prosecute and 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 held liable for damages or injuries to persons or property arising from the failure of the City Council, the Mayor or any other city officers or employees, to enforce the provisions of this Charter, or any other law or ordinances, or from the negligence of said City Council, Mayor or other city officers or employees while enforcing or attempting to enforce the provisions thereof: Provided, 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 the city for police purposes shall be co-extensive with its territorial jurisdiction; 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 court 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 force of the several municipalities concerned shall have concurrent jurisdiction with the police force of the city for the maintenance of good order and the enforcement of ordinances throughout said zone, area and space, 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 concerned and not that of the city.

## ARTICLE II.—*The Mayor and Vice-Mayor*

SEC. 7. *The Mayor*—His election, qualification and compensation.—The Mayor shall be the chief executive of the city. He shall be elected at large by the qualified voters of the city during every general election for provincial, city and municipal officials in accordance with the provisions of the Revised Election Code. No person shall be eligible for the position of Mayor unless at the time of 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.

The Mayor shall receive a salary in accordance with existing laws. He shall be provided, in addition to his salary, a commutable allowance of not less than one thousand two hundred pesos per annum.

SEC. 8. *The Vice-Mayor*.—There shall be elected a Vice-Mayor who shall be the presiding officer of the City Council. 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 a salary in accordance with existing laws.

The Vice-Mayor shall perform the duties and exercise the powers of the Mayor, except the power of appointment and removal, 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 rest of the unexpired term.

In the event of a permanent vacancy in the office of the Vice-Mayor, the member of the City Council who received the highest number of votes in the last election shall become Vice-Mayor for the rest 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 City Council who received the highest number of votes in the last election shall serve as acting Vice-Mayor and if the Vice-Mayor is, for any reason, temporarily incapacitated for the performance of the duties of Mayor, or if the office of the Vice-Mayor is vacant, the member of the Council who received the highest number of votes in the last election shall serve as acting Mayor and while so serving shall not perform any duty as a member of the Council which shall elect from among themselves the presiding officer. 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 to take part in the deliberations of the Council except to preside.

For acting as Mayor or as Vice-Mayor, the Vice-Mayor or member of the Council, respectively, 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 service. The Vice-Mayor shall have no right to vote except in case of a tie.

SEC. 9. *General powers and duties of the Mayor.*—The Mayor shall have immediate control over the execution and administrative functions of the different departments of the city, subject to the supervision of the President 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 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 city expenses;
- (d) To cause to be instituted judicial proceedings to recover property and funds of the city, and otherwise to protect the interest 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 within the same department without changing the compensation they received;
- (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;
- (g) To give information and recommend such measures to the 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 sessions of the Council and participate in its discussions, but not to vote;
- (i) To represent the city in all its business matters, and to sign all warrants drawn on the city treasury and sign all bonds, contracts, and obligations of the city made in accordance with laws and ordinances;
- (j) To submit to the City Council 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 city matters of an administrative and executive character;
- (l) To grant or refuse city licenses or permits of all classes and to revoke the same for violations of the conditions upon which they were granted,

or if acts prohibited by law or city ordinance are being committed under the 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 city 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 of storms and other public calamities;

(o) The provisions of any existing law to the contrary notwithstanding, to be the chairman of a committee of three, with the other two members being chosen by the members of the City Council from among themselves, to conduct administrative investigations of members of the city police department;

(p) To exercise the power of veto, but any vetoed ordinance or resolution may be re passed by the affirmative vote of six members of the City Council;

(q) 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; and he may suspend or remove any such officer or employee thus appointed by him in accordance with 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;

(r) To request, if public interest and safety so require, the assistance of the Philippine Constabulary and other police agencies in maintaining peace and order in the city; and

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

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 in accordance with existing laws.

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 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 certificate, the fees to be paid directly to the city treasurer. He shall also perform such duties as are required by heads of departments of the city government by Section eighteen hereof, and such other duties as the Mayor require of him. The position of the secretary shall be regarded as within the unclassified civil service but may be filled in the manner in which classified positions are 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, unless sooner separated for or without cause by the Mayor.

### ARTICLE III.—*The City Council*

SEC. 11. *Constitution and organization of the City Council, compensation of members thereof.*—The City Council 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, city and municipal officials in conformity with the provisions of the Revised Election Code and shall hold office for four years. In case of sickness, absence, suspension or other temporary disability of any member of the Council, or if necessary to maintain a quorum, the President of the Philippines may appoint a temporary substitute, belonging to the same political party as the temporarily incapacitated member, in the case of the elected councilors, who shall possess all rights and perform all the duties of a member of the Council until the return to duty of the regular incumbent.

If any member of the City Council should be a candidate for office in any election, he shall be disqualified to act with the Council in the discharge of the duties conferred upon it relative to election matters, and in such case the other members of the Council shall discharge said duties without his assistance, or they may choose a disinterested elector of the city to act with the Council on such matters in his stead.

The members of the City Council shall each receive a salary in accordance with existing laws: Provided, That they may engage in the practice of their profession, but shall not appear as counsel before any court in any civil case wherein the city or any instrumentality thereof is the adverse party, or in any criminal case wherein an officer or employee of the city is accused of an offense committed in relation to his office, or collect any fee for his appearance in any administrative proceedings in the city.

SEC. 12. *Qualifications, election, suspension and removal of members.*—The members of the City Council shall, at the time of their election, be qualified electors of the city, residents thereof for at least two 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 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 the elective 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