

[**REPUBLIC ACT NO. 4660, June 18, 1966**]

AN ACT CREATING THE CITY OF TAGBILARAN

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

PRELIMINARY ARTICLE

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

ARTICLE I.—General Provisions

SEC. 2. *Corporate character of the City.*—The City of Tagbilaran 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. 3. *Territory of the City of Tagbilaran.*—The City of Tagbilaran, which is hereby created, shall comprise the present territorial jurisdiction of the Municipality of Tagbilaran in the Province of Bohol or as hereafter changed in accordance with law.

SEC. 4. *Seal and general powers of the City.*—The City shall have a common seal, which it may alter at will. It may take, purchase, receive, hold, lease, convey, and dispose of real and personal property within or without corporate limits for the general interests of the city, condemn private property for public use, contract and be contracted with, sue and be sued, prosecute and defend, to final judgment and execution, all actions where its interests are involved, and exercise all the powers herein conferred, together with all the powers implied thereby or appropriate to the exercise thereof. 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 municipal affairs. The specific mention of particular powers in other sections of this Charter shall not be construed as limiting the powers of the city in the premises to those thus mentioned.

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 Board, the Mayor or any other city officer or employee, jointly or individually, to enforce the provisions of this Charter or any other law or ordinance, or from the negligence of said City Board, Mayor or other city officers or employees while enforcing or attempting to enforce said provisions.

SEC. 6. *Jurisdiction of the city for police purposes.*—The jurisdiction of the City of Tagbilaran for police purposes shall be co-extensive with its territorial jurisdiction, and shall extend to three miles from the shore of the city; but for the purpose of protecting and insuring the purity of the water supply of the city, 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 service.

The City Court shall have concurrent jurisdiction with the municipal courts of the municipalities, to try crimes and misdemeanors committed within said drainage, or within said spaces of one hundred meters. The court first taking jurisdiction of such an offense shall thereafter retain exclusive jurisdiction thereof.

SEC. 7. *Districts; Administrative Councilor Districts.*—The barrios and districts in the Municipality of Tagbilaran organized and functioning as barrios in accordance with Republic Act Numbered Thirty-five hundred ninety and comprising the Municipality of Tagbilaran shall, upon the effective date of this Charter, be called districts as political subdivisions of the City of Tagbilaran and continue to retain their corporate power and corresponding names or numerical designations as such until changed or abolished by law or ordinance.

The City Board by ordinance and for administrative and other municipal purposes shall establish eight Councilor Districts each of which shall be under the charge of a councilor whose territory shall be contiguous, and may compose of one or more whole districts.

SEC. 8. *Duties, responsibilities and powers over district governments.*—The city government or its departments, agencies, or the officers thereof, as the case may be, shall exercise the duties and assume the responsibilities and powers over the district governments within the jurisdiction of the city as are by law conferred upon municipal and provincial governments, their departments, their agencies or their officers as the case may be, over barrio governments including the creation of new ones.

SEC. 9. *Elective officers; elections.*—The elective officers of the city shall be the Mayor, the Vice-Mayor, and eight councilors, all of whom shall be elected at large by the qualified voters of the city on the date of the regular elections for provincial and municipal officials, in conformity with the provisions of the Revised Election Code, and 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, unless sooner removed for cause as provided for by law.

SEC. 10. *General qualifications of elective officers.*—In addition to any special qualifications prescribed by this Charter, all elective officers of the city shall be qualified and registered electors of the city, at least twenty-five years old and must have resided in the city for at least five years prior to his election and shall hold no other public office except that of notary public or membership in the Armed Forces Reserve nor any other employment with the city or the National Government or any province or municipality.

SEC. 11. *Removal of elective officers by the President.*—Any elective city officer may be removed by the President of the Philippines on proof of disloyalty to the Philippine Republic, but shall be entitled as a matter of right to notice and hearing before he may be removed, or upon conviction by final judgment by a competent court of any crime involving moral turpitude. The President may suspend such officer accused of disloyalty to the Philippine Republic for a period not exceeding thirty days pending the preparation and disposition of the charges: *Provided, however,* That should the accused be acquitted, he shall be reinstated and shall be entitled to the payment of any salary which he failed to receive during his suspension.

SEC. 12. *Disqualifying acts and practices.*—No officer or employee of the city shall give or promise to give any portion of his compensation or any money or valuable thing to any person in consideration of his having been nominated, elected, appointed or employed as such officer or employee. No officer or employee of the city shall willfully violate any provision of law relating to his office or employment, or commit any fraud upon the city or convert any of the public property to his own use or knowingly permit any other person to do so. No officer or employee of the city shall, directly or indirectly, coerce or intimidate or attempt, directly or indirectly, to coerce or intimidate, any officer or employee in the classified service of the city with a view to causing any such classified officer or employee involuntarily to resign his office or employment in the city. Any person convicted of any offense mentioned in this section, in addition to any other penalties imposed by law, shall forfeit his city office or employment.

SEC. 13. *Prohibited transactions.*—It shall be unlawful for any city officer or employee or any person related to any city officer or employee within the fourth civil degree, 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 attorney, whereby money is to be paid, directly or indirectly, out of the resources of the city to such person, firm or to purchase any real estate or other property belonging to the city, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of the city; or to be surety for any person having a contract or doing business with the city, for the performance of which security may be required; or to be surety on the official bond of any officer or employee of the city; or to have a financial interest in any transaction or contract with the city or in which the city is an interested party; or to appear as counsel to defend any person or corporation against whom the city may have filed suit. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee found guilty thereof shall thereby forfeit his city office or employment.

SEC. 14. *Full-time duty.*—Each appointive city officer and employee shall devote his time and attention exclusively during the prescribed office hours to the duties of his office or offices unless otherwise provided for in this Charter. No city officer or employee shall hold more than one office unless expressly so provided by law. But this section shall not apply to other persons discharging public duties in the city under the National Government who receive no compensation for their services.

SEC. 15. *Investigations and inquiries.*—Upon a written formal complaint made under oath, which on its face provides reasonable basis to believe that some anomaly or irregularity might have been committed, the City Board or the Mayor or any person or committee authorized by either of them, shall have power to inquire into the official conduct of any department, agency or officer or employee of the city and to make investigation as to city affairs, and for that purpose may *subpoena* witnesses, administer oaths, and compel the production of books, papers and other evidence.

SEC. 16. *Official bonds.*—The City Treasurer and all his deputies, and such other city officers or employees as the City Board may by ordinance require so to do, shall give bond in such amount and with such surety as may be approved by the Mayor. All such bonds shall be in favor of the city; and the premiums therein shall be paid by the city.

SEC. 17. *Limitations on contract for personal services.*—No contract for personal services to be furnished the city shall extend beyond the term of the Mayor in office from the time the contract is approved; nor shall any such contract be valid unless made or approved by ordinance.

SEC. 18. *Tax limitation.*—The City Board may levy an annual tax on real estate in the city not exempt from taxation at a rate not to exceed two *per centum ad valorem*: *Provided*, That the City Board, may levy an additional tax annually on all taxable real estate in the city at a rate not to exceed one *per centum ad valorem* on the condition that all proceeds from said additional levy shall be credited to and paid into a special restricted fund, to be known as the Capital Improvement Fund, to be expended exclusively for the financing of capital projects as herein defined. For the purposes of this section, the words "capital project" shall be construed to mean any of the following: (a) Any physical public betterment or improvement and any engineering, architectural or other similar studies and surveys, thereon; (b) the acquisition of property of a permanent nature, including sites for city buildings, roads, or other public facilities; and (c) the purchase of equipment for any public betterment or improvement when first erected or acquired. Expenditures from any capital improvement fund so established shall be made only as authorized by ordinances, duly adopted and approved, making appropriations therefor.

SEC. 19. *Debt limits.*—Any other law to the contrary notwithstanding, the city may incur indebtedness or other obligation to the payment of which the faith and credit of the city is pledged at an amount not exceeding twenty *per centum* of the total assessed value of the taxable real estate in the city.

As used in this section, the term "indebtedness" shall be construed to be the net figure obtained by deducting from the total outstanding indebtedness of the city all sinking fund assets and other reserves inviolably pledged or committed to its payment or retirement. The words "total outstanding indebtedness of the city," as herein used, shall be construed to include all indebtedness contracted in the previous year or years, whether bonded or of any kind whatsoever, but excluding the budgeted or estimated operating expenses of the city for the current fiscal year. For the purposes of this section, the assessed value of taxable real estate in the city shall be that used as basis for the city tax levy for the fiscal year next preceding that in which the indebtedness is incurred.

ARTICLE II.—Office of the Mayor, the Vice-Mayor, and the City Secretary

SEC. 20. *Nature of office.*—The Mayor shall be the chief executive of the city and as such shall have immediate control over the executive functions of the different departments and agencies of the city, subject to the general supervision of the President as may be provided for by law. The City Board may, in its discretion, provide quarters for the Mayor or commute the privilege of using the same in addition to his salary provided that quarter allowance when commuted shall not exceed eighteen hundred pesos *per annum*. He shall be entitled to other non-commutable allowances not to exceed twenty-four hundred pesos *per annum*.

SEC. 21. *General powers and duties of the Mayor.*—The Mayor shall have the following general powers and duties:

- a. To take care that the laws of the Philippines, the provisions of this Charter and the ordinances and resolutions of the city are faithfully observed and enforced within the jurisdiction of the city;
- b. To safeguard all the lands, buildings, records, monies, credits and properties and rights of the city, and subject to the provisions of this charter, have control of 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 payments of 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 interest of the city;
- e. To see that the executive officers and employees of the city are properly discharging their respective duties, and the Mayor may, in the interest of service, transfer officers and employees not appointed by the President of the Philippines from one section, division, service, or department, to another section, division, service or department without changing the compensation they receive;
- f. To examine and inspect the books, records, and papers of all officials, agents, and employees of the City, over whom he has executive supervision and control, at least once a year and whenever circumstances so warrant. For this purpose he shall be provided by the City Hoard with such clerical or other assistance as may be necessary;

- g. To give such information and recommend such measures to the Board as he shall deem advantageous to the city;
- h. To attend, if he wishes to do so, the session of the City Board and participate in the discussion, 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 law or ordinance;
- j. To submit to the City Board at least one month before the beginning of each fiscal year a budget of receipts and expenditures of the city;
- k. To receive, hear, and decide as he may deem proper the protests, petitions, complaints, and claims concerning all classes of municipal matters of an administrative and executive character;
- l. To grant or refuse city licenses or permits of all classes, including permits for benefits of whatever kind, any provision of law to the contrary notwithstanding and to revoke the same for violation 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 license or in the premises in which the business for which the same have been granted is carried on, or for any other good reason of general and public interest;
- m. To take such emergency measures as may be necessary to avoid fires, floods, and the effects of storm and other public calamities;
- n. To request, if public interest and safety so require, the assistance of the Philippine Constabulary and other police agencies of the National Government in maintaining peace and order in the city and only in such cases and upon specific request made can the Philippine Constabulary or other national police agencies intervene in the preservation of peace and order in the city;
- o. Subject to the provisions of the Civil Service Law and rules, to appoint all officers and employees whose salaries are paid wholly or partly from city funds, any existing law to the contrary notwithstanding, except such officers whose appointments are vested in the President or otherwise provided for in this Charter, and regular employees in the city auditor's office. Officers and employees appointed by the Mayor may be suspended by him for cause, and on the grounds provided by Civil Service Law and rules, for a period not exceeding thirty days, which suspension may continue for a longer period but not exceeding ninety days if concurred in by the City Board, and after proper investigation in accordance within Service Law and rules, and with the consent of at last two-thirds of all the members of the City Board, may discharge such officer or employee, any provision of law to the contrary notwithstanding. The Mayor may investigate or order the investigation of any city officer or employee not appointed by him and may recommend to the President or to the proper national department head the suspension or removal of such officer or employee;
- p. To prepare and make out plans for the physical development of the city, zoning and land subdivision rules and regulations, subject to the approval of the City Board, in accordance with existing laws to that effect;
- q. To submit an annual report to the Office of the Executive Secretary; and
- r. To perform such other duties and exercise such other executive powers as may be prescribed by law or ordinances.

SEC. 22. *The Vice-Mayor.*—The Vice-Mayor shall perform the duties and exercise the powers of the Mayor in the event of death, resignation or permanent incapacity of the Mayor for the completion of the unexpired term of the latter. If, for any reason, the Mayor is temporarily incapacitated to perform the duties of his office because of absence on leave, sickness, or any temporary incapacity, the Vice-Mayor shall perform the, duties and exercise the powers that may be delegated to him in writing by the Mayor, during the period of the Mayor's temporary incapacity or absence. The Vice-Mayor shall *ipso facto* be the Chairman of the City Board. If the Vice-Mayor is temporarily incapacitated for the performance of his official duties, the councilor who received the highest number of votes in the last elections shall serve as Acting Vice-Mayor. In the event of the inability of the elected Mayor to assume office, and the Vice-Mayor is, for any reason, temporarily incapacitated for the performance of the duties of the Mayor, or the office of the Vice-Mayor is vacant, the councilor who received the highest number of votes in the last elections shall serve as Acting Mayor and while so serving shall not perform any duty as a member of the Board but shall continue to hold the office of Councilor. In such event, the remaining members of the Board shall elect from among themselves the presiding officer. For service as Acting Mayor or Acting Vice-Mayor, the Vice-Mayor or Councilor shall receive a total compensation equivalent to the salary and other emoluments of the Mayor or Vice-Mayor, as the case may be, during such period.

Should the Mayor-elect die before assumption of office or fail to qualify for any reason, then the Vice-Mayor-elect shall assume the office of Mayor, but in the latter case, he shall hold such office only until the Mayor-elect Qualifies. Should the Vice-Mayor-elect die before assumption of alike or fail to qualify for any reason, then the councilor obtaining the largest number of votes in the local election immediately preceding shall assume the office of Vice-Mayor but in the latter case, he shall hold office only until the Vice-Mayor-elect qualifies.

The Vice-Mayor shall perform such other duties as may be assigned to him by the Mayor or prescribed by

law or ordinance, lie may be provided by the City Board with quarters, commutable and non-commutable allowances similar to those of the Mayor but the amount of the latter not to exceed eighty *per centum* of that of the Mayor.

SEC. 23. *Secretary to the Mayor or the City Secretary.*—The Mayor, any provision of law to the contrary notwithstanding, shall appoint one secretary 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 regulations signed by the Mayor and all other official documents and papers of the government of the City as may be required by custom, in the discretion of a Mayor; shall attest all executive orders, promulgations, ordinances and resolutions signed by the Mayor and shall form such other duties as the Mayor may require of him; shall, on demand, furnish certified copies of all city records and documents in his charge which are not of confidential character and collect and receive such fees may be prescribed by resolution of the City Board, and pay over such fees collected by him to the City Treasurer. He shall perform also such duties as are required of the heads of the departments of the city government and for the purposes of this section, the secretary shall be considered the head of a department. The position of 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 shall hold office only during the term of office of the appointing Mayor and until a successor in the office of secretary is appointed and qualified, unless sooner separated for or without cause by the Mayor.

ARTICLE III.—The City Board

SEC. 24. *Constitution and organization of the City Board; filling of vacancies.*—The City Board shall be composed of the Vice-Mayor, who shall be its presiding officer or chairman and the eight elected councilors. The presiding officer of the Board shall have the right to vote only in case of a tie. He shall sign all ordinances, resolutions and motions directing the payment of money or creating liability enacted or adopted by the City Board.

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

Should a member-elect die before assumption of office or such member-elect failed to qualify for any reason, the President may, at his discretion, either call a special election or fill the office by appointment. Permanent vacancies occurring after assumption of office shall be filled by appointment by the President of a suitable person belonging to the political party of the officer whom he is to replace.

SEC. 25. *Appointment and duties of the Secretary of the Board.*—The Board shall have a secretary who shall be appointed by the Mayor with the consent of the City Board and who shall serve at the pleasure of the appointing power.

The Secretary shall be in charge of the records of the City Board. He shall keep the full record of the proceedings of the Board, and file all documents relating thereto; shall record, in a book kept for that purpose, all ordinances, and all resolutions directing the payment of money or creating liability, enacted or adopted by the Board, with dates of passages of the same and of the publication of ordinances; shall keep a seal, circular in form, with the inscription "City Board—City of Tagbilaran", in the center of which shall be the coat of arms of the city, and affix the same, with his signature, to all ordinances and other official acts of the Board, and shall present the same for signature to the presiding officer of the Board. He shall forward to the Mayor all ordinances, resolutions or motions requiring the latter's approval and shall cause each ordinance to be published or posted as herein provided. He shall, upon request, furnish copies of all records of public character in his charge under the seal of his office and charge fees for the certification thereto as the City Board may prescribe by ordinance and the fees to be paid directly to the city treasurer. He shall keep his office and all records therein which are not of a confidential character open to public inspection during usual business hours. He shall have and perform such other duties and powers as the Board may direct.

The position of Secretary to the Board shall be 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 shall be entitled to all privileges and benefits of classified employees, except that he shall hold only during the term of office of the appointing Mayor and until a successor in the office of secretary to the Board is appointed and qualified unless sooner separated for or without cause by the Mayor or by at least two-thirds majority vote of all the members of the City Board.