

[**REPUBLIC ACT NO. 4354, June 19, 1965**]

AN ACT TO REVISE THE CHARTER OF THE CITY OF DAVAO AND FOR OTHER PURPOSES

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

PRELIMINARY ARTICLE

SECTION 1. This Act shall be known as the Revised Charter of the City of Davao.

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

SEC 2. *Territory of the City.* — The City of Davao as created by Commonwealth Act Numbered Fifty-one, as amended, shall comprise the territories of the former Municipality of Davao and then Municipal District of Guianga and shall include the following barrios: Agdao Beach, Bucana, Baguio, Biao Joaquin, Cadalian, Calinan Carmen, Cawayan, Dacudao, Dalag, Dominga, Gumalang, Dalagdag, Lacson, Lamanan, Lampianao, Malagos, Malamba, Marilog, Pangyan, Riverside, Salaysay, Sirib, Suawan, Subasta, Suminao, Talomo River, Tambobong, Tamugan, Tamayong, Tawan-Tawan, Wangan, Wines, Alam-bre, Atan Awe, Bago Gallera, Baliok, Bangkas Heights, Baracatan, Bato, Bayabas, Binugao, Camansi, Catigan, Crossing Bayabas, Daliao, Dumoy, Eden, Lizada, Kilate, Langub, Lubogan, Ma-a, Magtuod, Marapangi, Matina Crossing, Matina Aplaya, Matina Pangi, Mulig, Sibulan, Sirawan, Tagluno, Tagurano, Talomo, Tibuloy, Toril, Tung-kalan, Daliaon Plantation, Acacia, Fatima (Binowang) Buhangin, Bunawan, Cabantian, Colasas, Communal, Gatungan, Hang, Indangan, Lasang, Lumiad, Mabuhay, Mahayag, Malabogv Mandug, Mapula, Mudiang, Pampanga, Panacan, Pañalom, Paquibato, Paradise Ombac, Fandaitan, Salapawan, San Isidro, Basa, Tapak, Tibungco, Tigatto, Bago Oshiro, Balengaeng, Biao Escuela, Biao Guianga, Callawa, Catalunan Grande, Catalunan Pequeño, Manambulan, Manuel Guianga, Matina Biao, Mintal, New Carmen, New Valencia, Tacunan, Talandang, Tagakpan, Tugbok, Los Amigos, and Ula.

SEC. 3. *Corporate character.* — The City of Davao constitutes 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. *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 public use, 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 mayor, the city council or any other city officer or employee, to enforce the provisions of this charter, or of any other 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,* 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 in accordance with law.

SEC. 6. *Jurisdiction of the city.* — The jurisdiction of the City of Davao for police purposes only shall be co-extensive its territorial jurisdiction; and shall extend to three miles from the shores of the city; 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 of the city 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 spaces. 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.

Article II. — *The Mayor and the Vice-Mayor*

SEC. 7. *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 he is at least twenty-five years of age, a resident of the city for at least two 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 of eighteen thousand pesos per annum. In addition to his salary, he shall be entitled to a commutable allowance for representation and quarters which shall not be less than ten thousand pesos per annum.

SEC. 8. *The Vice-Mayor.* — There shall be elected a vice-mayor who shall perform the duties and exercise the powers of the Mayor, in the event of the death, sickness, absence or other temporary incapacity of the Mayor, or in the event of a definite vacancy in the position of Mayor, until said office shall be filled, in accordance with law. 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 some reason the vice-mayor is incapacitated from assuming the office of mayor or refuses to assume such office, the councilor who obtained the largest number of votes in the local elections immediately preceding shall assume the office of mayor. If for some reason the councilors who obtained the highest number of votes in the local elections immediately preceding is incapacitated from assuming the office of mayor or refuses to assume such office, the councilor who obtained the

next largest number of votes in the local elections immediately preceding shall assume the office of mayor, and so on until the permanent vacancy in the office of the mayor is filled.

Should the mayor-elect die before assumption of office or failed to qualify for any reason, the vice-mayor-elect shall assume the office of mayor, but in the latter case, he shall hold office only until after the mayor-elect qualifies. If for some reason the vice-mayor is incapacitated from assuming the office of mayor or refuses to assume such office, the councilor-elect who obtained the largest number of votes in the local elections immediately preceding shall assume office of mayor, and so on until the office of mayor is filled.

In the event of temporary incapacity of the mayor to perform the duties of his office on account of absence on leave, sickness or any temporary incapacity, the vice-mayor shall perform the duties and exercise the powers of the mayor except the power to appoint, suspend or dismiss employees. In the event the vice-mayor is temporarily incapacitated to perform the duties of the office of mayor, the councilor who obtained the largest number of votes among the incumbent councilors in the local elections immediately preceding shall assume the duties and exercise the powers of the mayor except the power to appoint, suspend or dismiss employees.

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 fifteen thousand pesos *per annum*.

SEC. 9. General powers and duties of the Mayor. — As chief executive of the city government, the mayor shall have immediate control over the executive and administrative functions of the different departments, subject to the supervision of the President of the Philippines, and shall be held accountable for the administration of all affairs of the city. He shall have the following powers and duties:

- a. To comply with and enforce and give the necessary orders for the faithful and proper enforcement and execution of the laws and city ordinances and resolutions 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 have control of all its property.
- c. To see that all taxes and other revenues of the city are collected, and the city funds 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 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 officers and employees of the city properly discharge their respective duties.
- f. To examine and inspect the books, records, and papers of all executive or administrative officers, agents, and employees of the city whenever occasion arises, and at least once a year. For this purpose he shall be provided by the City Council with such clerical and other assistance as may be necessary.
- g. To give such information and recommend such measures to the Council as he shall deem advantageous to the city.
- h. To represent the city in all its business matters, and sign on its behalf all its bonds, contracts, and obligations made in accordance with law or ordinance.

- i. To submit to the City Council on or before the thirtieth day of April of each year a budget of receipts and expenditures of the city.
- j. To receive, hear, and decide as he may deem proper the petitions, complaints, and claims concerning all classes of municipal matters of an administrative or executive character.
- k. To grant or refuse municipal licenses or permits of all classes and to revoke same, in conformity with the provisions of laws and ordinances, or for violation of the conditions upon which they were granted, or if acts prohibited by law or municipal ordinances are being committed under the protection of such licenses 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 interest.
- l. To determine according to law or ordinance the time, manner, and place of payment of the salaries and wages of the officers and employees of the city.
- m. To exempt, with the concurrence of the division superintendent of schools, deserving poor pupils from the payment of school fees or any part thereof.
- n. To make all appointments of city officials and employees except as otherwise provided in this charter.
- o. To take such emergency measures as may be necessary to avoid fires, floods, and the effects of storms and other public calamities.
- p. To render an annual report to the office of the President of the Philippines.
- q. To exercise the power of veto, but any vetoed ordinance or resolution may be repassed by a two-thirds vote of all the members of the Council.
- r. To perform such other duties and exercise such other executive powers as may be prescribed by law or ordinance.

SEC. 10. *City secretary.* — There shall be a city secretary who shall be appointed by the mayor; and who shall receive a salary of twelve thousand pesos *per annum*. He shall be considered as head of a city department and as such he shall have the following duties:

- a. He shall act as secretary of the City Board of Assessment Appeals, and such other boards or committees as may hereafter be created by law or ordinance, and shall keep a journal of their proceedings.
- b. He shall have charge of all records and documents of the city for which provision is not otherwise made.
- c. He shall keep the corporate seal and affix the same with his signature to all official acts of the mayor and to all other official documents and papers of the government of the city as may be required by custom or usage, in the discretion of the mayor.
- d. He shall be the local civil registrar and shall keep a civil register for the city and record therein all births, marriages, and deaths with their respective dates.
- e. He shall perform such other duties as the mayor may direct or as may be required of him by law or ordinance.
- f. He shall attest all orders, proclamation, ordinances and resolutions signed by the mayor.
- g. He shall, on demand, furnish certified copies of all records and documents in his charge which are not of a confidential character and shall collect twenty centavos for each one hundred words including the certification, and all receipts shall be paid into the city treasury. He shall likewise perform with respect to his office, the duties similar to those imposed on heads of departments of the city government by Section nineteen hereof.

Article III. — *The City Council*

SEC. 11. *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 its presiding officer, and ten councilors who shall be elected at large by the qualified voters of the city.

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 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 each receive a salary of twelve thousand pesos per annum.

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 circumstances, in 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 members of the Council shall be held on the date of the regular election for provincial and city 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. The ten candidates receiving the highest number of votes shall be declared elected.

A vacancy of the City Council shall be filled in accordance with the provisions of the Revised Election Code.

SEC. 13. *The presiding officer of the City Council.* — The vice-mayor shall be the presiding officer of the Council. In his absence, the Council shall elect one of its members as temporary presiding officer. He shall sign all ordinances, and all resolutions and motions directing the payment of money or creating liability, enacted or adopted by the Council.

SEC. 14. *Secretary of the City Council.* — The City Council shall have a secretary who shall be elected by the Council to serve during the term of office of the members unless sooner removed. His compensation as secretary shall be not less than twelve thousand pesos per annum. The secretary shall have the following duties:

- a. He shall act as secretary of the City Council and shall be in charge of the records thereof.
- b. He shall keep a full record of the proceedings of the Council and shall file all documents relative thereto.