

[ **REPUBLIC ACT NO. 4585, June 19, 1965** ]

**AN ACT CREATING THE CITY OF LA CARLOTA**

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

SECTION 1. This Act shall be known as the Charter of the City of La Carlota.

**ARTICLE I.—*The City as a public corporation***

SEC. 2. *Territory of the City of La Carlota.*—The City of La Carlota, which is hereby created, shall comprise the present territorial jurisdiction of the Municipality of La Carlota in the Province of Negros Occidental.

SEC. 3. *Corporate character.*—The City of La Carlota 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. *Seal and general powers of the City.*—The City shall have a seal, which shall be used in all documents of official character and alter the same at pleasure. It may acquire, receive, hold, barter, donate, 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, prosecute and defend to final judgment and execution 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 Municipal Board, or any other city officer, to enforce the provisions of this Charter, or any other law or ordinance, or from negligence of said Mayor, Municipal Board, or other officers while enforcing or attempting to enforce said provisions.

SEC. 6. *Jurisdiction of the City.*—The jurisdiction of the City of La Carlota for police purposes shall be coextensive 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 one hundred meters of any reservoir, conduit, canal, aqueduct or pumping station used in connection with the city water service.

SEC. 7. *Relations between the City of La Carlota and the Provincial Government of Negros Occidental.*—For election purposes, the City of La Carlota unless otherwise provided shall continue as part of the Second Congressional District of the Province of Negros Occidental. The voters of the City of La Carlota shall take part in the election of provincial officers of Negros Occidental, but the latter shall have no jurisdiction over the City of La Carlota and the officers of the same.

**ARTICLE II.—*The Mayor***

SEC. 8. *The Mayor.*—The mayor shall be elected by the qualified electors of the city. He shall be at least thirty years of age, a resident of the city at least five years prior to his election, and a qualified voter therein: *Provided*, That the first election for mayor shall be held at the general elections for provincial and municipal officials next following the approval of this Act. He shall hold office for four years, unless sooner removed for just cause and with due process of law, and shall receive a salary of not exceeding seven thousand two hundred pesos *per annum*. The Municipal Board may, in its discretion, provide quarters for the mayor or commute the same in addition to his salary.

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.

The mayor may receive, in addition to his salary, an allowance to be fixed by the Municipal Board, which he may disburse for any lawful purpose incident to his duties as Mayor.

SEC. 9. *The Vice-Mayor.*—There shall be a Vice-Mayor who shall perform the duties of Mayor in the event of the sickness, absence or other temporary incapacity of the Mayor, or in the event of definite vacancy in the position of Mayor, until said office is filled in accordance with law. The vice-mayor shall also preside over the meeting of the Municipal Board, but he shall have no right to vote except in case of tie. If, for any reason, the vice-mayor is temporarily incapacitated for the performance of the duties of the mayor, or said office of the Vice-Mayor is vacant, the duties of the mayor shall be performed by a councilor who obtained the highest number of votes in the last election. If, in any event, the Vice-Mayor is discharging the duties of the Mayor, the councilor obtaining the highest number of votes in the last election shall be the presiding officer of the Municipal Board.

The Vice-Mayor shall perform such other duties as may be assigned to him by the mayor or prescribed by the law or ordinance. He 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. For services as acting Mayor the Vice-Mayor shall receive a total of the compensation equivalent to the salary of the mayor during such period.

SEC. 10. *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, and shall be held accountable for the proper administration of all affairs of the city.

He shall have the following powers and duties:

- a. To comply with and enforce and give 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 have direct control and supervision over all the lands, buildings, records, moneys, credits, and other property and right 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 the city funds applied in accordance with appropriations to the payment of 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 Municipal Board 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 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 ordinances.
- i. To submit to the Municipal Board before the thirty-first day of October 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 make all appointments, except as otherwise provided in this Charter.
- n. To make such emergency measures as may be necessary to avoid fires, floods, and to mitigate the effects of storms and other public calamities.
- o. To render an annual report to the Office of the President.
- p. 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 Board.
- q. To perform such other duties and exercise such other executive powers as may be prescribed by law or ordinance.
- r. Subject to the provisions of the Civil Service Law, to appoint all officers and employees of the City of La Carlota.

SEC. 11. *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, not exceeding three thousand pesos *per*

*annum* and one assistant secretary with an annual compensation of not exceeding one thousand eight hundred pesos who shall perform the duties of the secretary when absent and such other duties assigned to him by the secretary.

The Secretary 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 custom, in the discretion of the mayor; 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, on demand, furnish certified copies of all city records and documents in his charge which are not of a confidential character, and collect and receive such fees as may be prescribed by resolution of the Board. He shall also perform such duties as are required of the heads of departments of the city government, by Section twenty, and for the purposes of said section, the secretary will be considered the head of a department. The position of the secretary shall be regarded as within the unclassified civil service. The appointee shall be entitled to all the benefits and privileges of classified employees.

### **ARTICLE III.—The Municipal Board**

SEC. 12. *Organization.*—The Municipal Board shall be the legislative body of the city, and shall consist of the vice-mayor, as the presiding officer, and eight councilors elected by popular vote. The vice-mayor, shall have no right to vote except in case of a tie. The presiding officer shall sign all ordinances, and all resolutions and motions directing the payment of money or creating liability enacted or adopted by the Board. In case of sickness of any member of the Board, or if, for any reason it becomes necessary to maintain a *quorum*, the President of the Philippines may make a temporary appointment until the return to duty of the sick or absent member. During the period of such temporary appointment the person receiving the same shall possess all the rights and perform all the duties of a member of the Board. The members of the Board shall receive a salary of two thousand four hundred pesos per annum and the Vice-Mayor shall receive a salary of three thousand six hundred pesos *per annum*.

SEC. 13. *Election, suspension and removal of members.*—The members of the Municipal Board shall be elected at large and each of them at the time of election shall be a resident of the city for at least one year; must be a qualified elector 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.

Elections for members of the Board 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, until their successors are elected and qualified.

If any member of the Municipal Board should be a candidate for office in any election, he shall be incompetent to act with the Board in the discharge of the duties herein conferred upon it as to election matters, and in such case the other members of the board shall discharge said duties without his assistance, or the municipal board may choose some disinterested elector of the city to act on the Board in such matters in his stead.

SEC. 14. *Secretary of the Board.*—The Board shall have a secretary, who shall be appointed by the mayor to serve during the term of appointing power. A vacancy in the office of the secretary shall be filled temporarily or for the unexpired term in like manner. The secretary shall be in charge of the 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 and motions directing the payment of money or creating liability, enacted or adopted by the Board, with the dates of passage of the same, and of the publication of ordinances; shall keep a seal, circular in form, with the inscription "Municipal Board—City of La Carlota", in the center of which shall be placed the 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; shall cause each ordinance passed to be published as herein provided; shall, on demand, furnish certified copies of all records of public character in his charge under the seal of his office; and collect and receive therefore such fees as may be prescribed by resolution of the Board; and shall keep his office and all records therein which are not of a confidential character open to public inspection during usual business hours. His compensation as secretary shall be fixed by the Board at not exceeding four thousand two hundred pesos a year.

SEC. 15. *Appropriation ordinances.*—The Board shall make all appropriations for the expenses of the

government of the city. Whenever the Board fails to pass an appropriation ordinance for any year before the end of the previous year, the appropriation ordinance for such previous year shall be deemed reenacted, and shall go into effect on the first day of July of the new year as the appropriation ordinance for that year, and such appropriation ordinance shall be deemed into effect on the first day of July of each year, as the appropriation ordinance for that year, until a new appropriations ordinance is duly enacted.

SEC. 16. *Method of transacting business by the Board; Veto; Authentication and publication of ordinances.*—The Board shall hold one ordinary session for the transaction of business during each week on a day which shall be fixed by resolution, and such extraordinary sessions as may be called by the mayor. It shall sit with open doors, unless otherwise ordered by an affirmative vote of five members. It shall keep a record of its proceedings and determine its rule of procedure not herein set forth. Five members of the Board shall constitute a *quorum* for the transaction of business. But a smaller number may adjourn from day to day and may compel the immediate attendance of any member absent without good cause by issuing to the police of the city an order for his arrest and production at the session under such penalties as shall have been previously prescribed by ordinance. Five affirmative votes shall be necessary for the passage of any ordinance, or of any resolution, or motion directing the payment of money or creating liability, but other measures shall prevail, upon the majority votes of the members present at any meeting duly called and held. The *ayes* and *nays* shall be taken and recorded upon the passage of all ordinances, upon all resolutions or motions directing the payment of money or creating liability, and at the request of any member, upon any other resolution or motion. Each approved ordinance, resolution or motion shall be sealed with the seal of the Board, signed by the presiding officer and the secretary of the Board and recorded in a book kept for the purpose, and shall, on the day following its passage, be posted by the secretary at the main entrance to the city hall, and shall take effect and be in force on and after the tenth day following its passage unless otherwise stated in said ordinance, resolution or motion or vetoed by the mayor as hereinafter provided. A vetoed ordinance, if repassed, shall take effect ten days after the veto is overridden by the required votes unless otherwise stated in the ordinance or again disapproved by the mayor within said time.

Each ordinance and each resolution or motion directing the payment of money or creating liability enacted or adopted by the Board shall be forwarded to the mayor for his approval. Within ten days after the receipt of the ordinance, resolution, or motion, the mayor shall return it with his approval or veto. If he does not return it within that time, it shall be deemed to be approved. If he returns it with his veto, his reasons therefor in writing shall accompany it. It may then be again enacted by the affirmative votes of six members of the Board, and again forwarded to the mayor for his approval, and if within ten days after its receipt he does not return it with his veto, it shall be deemed to be approved. If within said time he again returns it with his veto, it shall be forwarded forthwith to the President of the Philippines for his approval or disapproval, which shall be final. The mayor shall have the power to veto any particular item or items of an appropriation ordinance, or of an ordinance, resolution or motion directing the payment of money or creating liability, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to ordinances, resolutions, and motions returned to the Board with his veto, but should an item or items in an appropriations ordinance be disapproved by the mayor, the corresponding item or items in the appropriations ordinance of the previous year shall be deemed restored unless otherwise expressly directed in the veto.

SEC. 17. *Legislative powers.*—The Municipal Board shall have the following legislative powers:

- a. To provide for the levy and collection of taxes for general and special purposes in accordance with law including specifically the power to levy real-property tax not exceeding two *per centum*, *ad valorem*.
- b. To float bonds, subject to existing laws and regulations, for the purpose of financing public works projects.
- c. To fix the tariff of fees and charges for all services rendered by the city or any of its departments, branches, or offices.
- d. To provide for the erection and maintenance or rental, in case of need, of the necessary buildings for the use of the city.
- e. To fix the number and salaries of officials and employees of the city not otherwise provided for in this Act.
- f. To provide for the establishment and maintenance of free public schools for intermediate instruction and to acquire sites for schoolhouses for primary and inter-mediate classes through purchases or conditional or absolute donation.
- g. To establish secondary, and professional schools; and with the approval of the Director of Public Schools, to fix reasonable fees for instruction therein.

- h. To provide for the establishment and maintenance of an efficient police force for the maintenance of law and order in the city, and make all necessary police ordinances, with a view to the confinement and reformation of vagrants, disorderly persons, mendicants, and prostitutes, and persons convicted of violating any of the ordinances of the city.
- i. To maintain the city courts established by Jaw which shall have jurisdiction of all criminal cases under the ordinances of the city, and such further jurisdiction as may be herein or hereafter conferred.
- j. To establish fire limits, determine the kinds of buildings or structures that may be erected within said limits, regulate the manner of constructing and repairing the same, and fix the fees for permits for the construction, repair, or demolition of buildings and structures.
- k. To regulate the use of lights in stables, shops and other buildings and places, and to regulate and restrict the issuance of permits for the building of bonfires and the use of firecrackers, fireworks, torpedoes, candles, skyrockets, and other pyrotechnic displays, and to fix the fees for such permits.
- l. To make regulations to protect the public from conflagrations and to prevent and mitigate the effects of famine, flood, storms, and other public calamities, and to provide relief for persons suffering from the same.
- m. To establish and maintain engine houses, fire engines, hose carts, hooks and ladders, and other equipments for the prevention and extinguishment of fires, and to regulate the management and use of the same.
- n. To regulate and fix the amount of the license fees for the following: hawkers, peddlers, and hucksters, not including hucksters or peddlers who sell only native vegetables, fruits, or foods, personally carried by hucksters or peddlers, auctioneers, plumbers, barbers, collection agencies, mercantile agencies, shipping and intelligence offices, private detective agencies, advertising agencies, beauty parlors, massagists, tattooers, jugglers, acrobat, hotel clubs restaurants, cafes, lodging houses, boarding houses, livery garages. livery stables, laundries, boarding stables, dealers in large cattle, public billiard tables, cleaning and dyeing establishment, public warehouses, circuses, and other similar parades, public vehicles, race tracks, horse races, bowling alleys, shooting galleries, slot machines, merry-go-rounds and other similar riding devices, and the keeping, preparation, and sale of meat, poultry, fish, game, butter, cheese, lard, vegetable, bread, and other provisions; and to impose a municipal occupation tax, not to exceed fifty pesos *per annum*, on lawyers, medical practitioners, land surveyors, architects, public accountants, civil, electrical, chemical, mechanical, or mining engineers, radio engineers or technicians, veterinarians, dental surgeons, opticians and optometrists, insurance agents and sub-agents, business agents and business consultants, professional appraisers or connoisseurs of tobacco or other domestic or foreign products, music teachers, piano tuners, nurses and midwives, auctioneers, plumbers, electrical contractors, building contractors, massagists, physical culture instructors, chiropodists, money changers, real estate, commercial and other brokers, and persons engaged in the transportation of passengers or freight by hire, including common carriers and transportation contractors: *Provided*, That persons exercising their profession or occupation only as salaried employees and not as independent practitioners shall be exempt from the municipal occupation tax herein prescribed.
- o. To tax, fix the license fee and regulate the business of hotels, restaurants, refreshment places, cafes, lodging houses, boarding house, brewers, distillers, rectifiers, laundries, dyeing and cleaning establishment, beauty parlors, physical or beauty culture and fashion schools, clubs, livery garages, public warehouses, pawnshops, theaters, cinematographs, and the letting or subletting. of lands and buildings, whether used for commercial, industrial or residential purposes; and further to fix the location of, and to tax, fix the license fee on, and regulate the business of, livery stables, boarding stables, embalmers, public billiard tables, public pool tables, bowling alleys, dance halls, public dancing halls, cabarets, circuses and other similar parades, public vehicles, race tracks, horse races, dog races, cockpits, dealers in second-hand merchandise, junk dealers, theatrical performances, boxing contests, public exhibitions, blacksmith shops, foundries, steam boilers, lumberyards, shipyards, the storage and sale of gunpowder, tar, pitch, resin, coal, oil, gasoline, benzine, turpentine, hemp, cotton, nitroglycerin, petroleum or any of the products thereof and of all other highly combustible or explosive materials, and other establishments likely to endanger the public safety or give rise to conflagrations or explosions, and, subject to the provisions of rules and regulations issued by the Bureau of Health Services in accordance with law: *Provided*, That no license shall be granted to any theater or cinematograph unless the applicant for said license agrees to exhibit pictures made in the Philippines to the extent of ten *per centum* of their annual exhibitions: *And provided, further*, That any violation of this condition shall cause the revocation of said license.
- p. To tax and fix the license fees on printers or bookbinders or both, tailor shops, milliners, manufacturers of jewelry, embroideries, sail or awnings or both, rope, paper, leather goods including shoes, slippers, sandals, harnesses and valises or bags, sporting goods, rubber goods, plastics and