

[REPUBLIC ACT NO. 4475, June 19, 1965]

AN ACT ESTABLISHING THE NEW CAPITAL OF THE PROVINCE OF NUEVA ECIJA, CREATING THE CITY OF PALAYAN, PROVIDING A CHARTER THEREFOR, AND FOR OTHER PURPOSES.

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

GENERAL PROVISIONS

SECTION 1. *Incorporation, Powers.*—The territory comprising thirty-five million five hundred fifty-seven thousand three hundred thirty-four square meters, located at or near the barrios of Malate, Bongabon, and Ganaderia, Laur along the Cabanatuan City-Bongabon Road, in the Province of Nueva Ecija, the exact boundaries and limits of which are to be defined as herein provided, shall be a political subdivision to be known as the City of Palayan, and by that name shall have perpetual succession; have and use a common seal which it may alter at pleasure; sue and be sued, and prosecute and defend to final judgment and execution; take, purchase, receive, hold, lease, convey, and dispose of real and personal property, for the benefit of the City, within or without its corporate limits; contract and be contracted with; and execute all the powers hereinafter conferred, as well as those generally and ordinarily conferred upon chartered cities. The City of Palayan shall be the new capital of the Province of Nueva Ecija.

SEC. 2. *Territory.*—The District Engineer of the Province of Nueva Ecija shall, within three months after the approval of this Act, survey and, to proper metes and bounds, determine the territory of the City of Palayan, indicating in the plan, among others, avenues, streets, plazas, parks, and lots for public use. Upon the completion of such survey, the Director of Public Works shall certify the same to the President of the Philippines who shall, by executive order, define the boundaries and limits of the territory of the City.

The Provincial Board of Nueva Ecija shall have the power to purchase, accept gifts or donations of, or institute expropriation proceedings concerning, such lands as may be within the territory of the City for the general interests of the City for public use.

SEC. 3. *The City not liable 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 City Mayor, or any other City officer or employee, to enforce the provisions of this Charter, or any other law or ordinance, or from negligence of said City Council, City Mayor or other City officers or employees while enforcing or attempting to enforce said provisions.

SEC. 4. *Jurisdiction of the City for police purposes.*—The jurisdiction of the City of Palayan for police purposes shall extend within the territorial limits of said City; and

for the purpose of protecting and insuring the purity and quantity of water supply of the City, such police jurisdiction shall also extend over all territories within the drainage area of such water supply, or within one hundred meters of any reservoir, conduit, canal, aqueduct, pumping station or watershed, used in connection with the City water service.

The City Court shall have concurrent jurisdiction with the municipal courts of the municipalities within which the said territories within the drainage area and the said space of one hundred meters are situated, to try crimes or offenses committed therein. The court first taking jurisdiction of such an offense shall thereafter retain exclusive jurisdiction thereof. All fines, forfeitures, fees and costs, imposed by reason of offenses committed within the said drainage area shall accrue, not to the treasury of the City of Palayan but to the treasury of the municipality in which the said space or territory in which the offense committed is located.

CITY OFFICES AND OFFICERS IN GENERAL

SEC. 5. *Chief officials of City government.*—The chief officials of the government of the City are the City Mayor, City Vice-Mayor, six members of the City Council, City Engineer, City Treasurer, City Auditor, City Assessor, City Fiscal, City Health Officer, Judge of the City Court, Chief of Police, Secretary of the City Council and Secretary to the City Mayor.

The Provincial Governor shall be the ex-officio City Mayor, the Provincial Vice-Governor shall be the ex-officio City Vice-Mayor, and the three Members of the Provincial Board shall be ex-officio members of the City Council and the three others shall be appointed by the President upon the recommendation of the Provincial Governor. The district engineer, the provincial treasurer, provincial auditor, provincial assessor, the provincial fiscal and the district health officer of the Province of Nueva Ecija, shall be ex-officio city engineer, city treasurer, city auditor, city assessor, city fiscal and city health officer of the City, respectively.

The Secretary of the Provincial Board of Nueva Ecija shall act as the secretary of the City Council, and the secretary to the Provincial Governor shall act as the secretary to the City Mayor.

SEC. 6. *General powers and duties of the City Mayor.*—Unless otherwise provided by law, the City Mayor shall have immediate control over the executive and administrative functions of the different offices of the City, subject to the authority and supervision of the Department Head, 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 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 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 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 interest of the City;
- e. To see that the executive officers and employees of the City properly discharge their respective duties;
 - 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 at least once a year, and whenever the occasion arises. 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 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 at least two months before the beginning of each fiscal 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 the same for violation of the conditions upon which they were granted, or if acts prohibited by law or municipal ordinance are being committed under the business for which the same have been granted is carried on, or for any other reason of general interest;
 - l. To exempt, with the concurrence of the division superintendent of schools, deserving poor pupils from the payment of school fees or of any part thereof;
 - m. To take such emergency measures as may be necessary to avoid fires and floods, and mitigate the effects of storms and other public calamities; and
 - n. To perform such other duties and exercise such other executive powers as may be prescribed by law or ordinance.

SEC. 7. *The City Vice-Mayor.*—The City Vice-Mayor shall perform the duties of the Mayor in the event of sickness or other temporary incapacity of the Mayor, or in the event of a definitive vacancy in the position of Mayor, until said office shall be filled in accordance with law. 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 Mayor shall be performed by the member of the City Council who obtained the highest number of votes during the last preceding elections. In the event of temporary incapacity of the latter, the member of the City Council who obtained the next highest number of votes shall perform the duties of Mayor. The Acting Mayor shall have the same powers and duties as the Mayor. The Vice-Mayor shall be a member of the City Council and entitled to the privileges as are granted to members thereof.

SEC. 8. *Secretary to the City Mayor; his duties.*—The secretary to the City Mayor 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 City Mayor and 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 City Mayor; shall, upon request, furnish certified copies of all records and documents in his charge which are not of a confidential character and shall charge fifty centavos for each one hundred words including the certificate, such fees to be paid directly to

the city treasurer; and shall perform such other duties as the City Mayor may require of him.

SEC. 9. *Secretary of the City Council; his duties.*—The secretary of the City Council shall be in charge of the records of the City Council. He shall keep a full record of the proceedings of the City 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 all money or creating liability, enacted or adopted by the City Council, with the dates of passage of the same and of the publication of ordinances; shall keep a seal, circular in form, with the inscription "City Council—City of Palayan", and affix the same, with his signature, to all ordinances and other official acts of the City Council, and shall present the same for signature to the presiding officer of the City Council; shall cause each ordinance passed to be published as herein provided; shall, upon request, furnish certified copies of all records of the City Council of public character in his charge under the seal of his office and charge fifty centavos for each one hundred words including the certificate, such fees to be paid directly to the city treasurer; and shall keep his office and all records therein which are not of a confidential character open to public inspection during usual business hours.

SEC. 10. *Methods of transacting business by City Council.*—The City Mayor, as chief executive of the City, shall be the presiding officer of the City Council. Unless the President of the Philippines orders otherwise, the City Council shall hold one ordinary session for the transaction of business during each week on days which it shall fix by resolution, and such extraordinary sessions, as may be called by the City Mayor. It shall sit with open doors, unless otherwise ordered by an affirmative vote of all the members. It shall keep a record of its proceedings and determine its rules of procedures not herein set forth. Five members of the Council 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 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 vote 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 City Council, signed by the presiding officer and the secretary of the City Council 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 of 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.

The President of the Philippines shall have the power to disapprove directly, in whole or in part, any ordinance, resolution or motion of the City Council if he finds such ordinance, resolution or motion or parts thereof, beyond the power conferred upon the City Council.

SEC. 11. *General powers and duties of the City Council.*—Except as otherwise

provided by law, and subject to the conditions and limitations thereof, the City Council 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;
- b. To make all appropriations for the expenses of the government of the City: *Provided*, That without the express authorization of the President of the Philippines the appropriation for the payment of salaries and wages of officers and employees of the City government for any fiscal year shall not be more than sixty per cent of the expected revenue of the city for such fiscal year;
- c. To fix the number and salaries of officials and employees of the City, subject to the limitations of this Act;
- d. To authorize the free distribution of medicines to the employees and laborers of the City whose salary or wage does not exceed one hundred and twenty pesos per month or four pesos per day, and of evaporated or fresh native milk to indigent mothers residing in the City and of bread and light meals to indigent children ten years or less of age residing in the City, the distribution to be made under the direct supervision and control of the City Mayor;
- e. To fix the tariff of fees and charges for all services rendered by the City or any of its offices, branches or officials;
- f. To provide for the erection and maintenance or the rental of the necessary buildings for the use of the City;
- g. To provide for the establishment and maintenance of public schools; and, except as otherwise provided by law, to fix, with the approval of the Director of Public Schools, reasonable matriculation and/or tuition fees;
- h. To establish and maintain or aid in the establishment and maintenance of vocational schools and institutions of higher learning by the National Government or any of its subdivisions and agencies; and, with the approval of the Director of Public Schools, to fix reasonable tuition fees in the vocational schools and in the institutions of higher learning supported by the City;
- i. To provide for and maintain an efficient police force for the maintenance of law and order in the City, and enact all necessary police ordinances;
- j. To provide for and maintain an official fire department and provide engine houses, fire engines, hose carts or trucks, hooks and ladders, and other equipment for the prevention and extinguishment of fires, and to regulate the management and the use of the same;
- k. To establish fire zones, determine the kinds of buildings or structures that may be erected within their 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 other structures;
- l. 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;
- m. To make regulations to protect the public from conflagrations and to prevent and mitigate the effects of famine, floods, storms and other public calamities, and provide relief for victims thereof;
- n. To regulate and fix the amount of the license fees for the following; hawkers, peddlers, hucksters, not including hucksters or peddlers who sell only native vegetables, fruits or foods, personally carried by the hucksters or peddlers, auctioneers, plumbers, barbers, collecting agencies, mercantile agencies, shipping and intelligence offices, private detective agencies, advertising