

[REPUBLIC ACT NO. 3404, June 18, 1961]

**AN ACT AMENDING CERTAIN SECTIONS OF COMMONWEALTH
ACT NUMBERED FIVE HUNDRED FORTY-SEVEN, OTHERWISE
KNOWN AS THE CHARTER OF THE CITY OF CAVITE.**

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

SECTION 1. Sections two, four, six, seven, eight and the first paragraph of Section nine of Commonwealth Act Numbered Five hundred forty-seven are amended to read as follows:

"SEC. 2. *Territory of the City of Cavite.*—The City of Cavite, which is hereby created, shall comprise the present territorial jurisdiction of the Municipality of Cavite, in the Province of Cavite.

"The Municipal Board may, by ordinance, divide the city into districts for all administrative and other municipal purposes, including the description of property.

"SEC. 4. *Seal and general powers of the city.*—The city shall have a common seal, 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 suits to final judgment and execution, and exercise all the powers conferred by this Charter together with all the powers implied thereby or appropriate to the exercise thereof. The provisions of this Charter shall be construed liberally in favor of the city, to the end that it may have all 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. 6. *Jurisdiction of the City.*—The jurisdiction of the City of Cavite 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 be extended 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 municipal court of the city shall have concurrent jurisdiction with the courts of justices of the peace of the municipalities to try crimes and

misdeemeanors 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.

"SEC. 7. *Nature of Office; Qualifications.*&mdashThe Mayor shall be the chief executive of the city and as such shall have immediate control and supervision over the executive functions of the different departments and agencies of the city. The Mayor shall be elected at large 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 immediately 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 in conformity with the provisions of the Revised Election Code and shall assume office on the first day of January next following his election. He shall hold office for four years and until his successor has been duly elected and qualified, unless sooner removed for disloyalty, dishonesty, oppression, or misconduct in office. He shall receive a salary of not exceeding seven thousand two hundred pesos a year. With the approval of the Office of the President, the Mayor may be provided, in addition to his salary, a non-commutable allowance of not exceeding one thousand two hundred pesos *per annum*.

"SEC. 8. *The Vice-Mayor.*&mdashThere shall be a Vice-Mayor who shall perform the duties of the Mayor, in the event of sickness, physical absence on unofficial business for more than three days 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 duties of the office of the Mayor cannot be performed by the Vice-Mayor or said office of the Vice-Mayor is vacant, said duties shall be performed by the President Protempore of the Municipal Board.

In case of the incapacity of the officials mentioned above to perform the duties of the Mayor, the duties of the Mayor shall be performed by the City Treasurer. The Acting Mayor shall have the same powers and duties as the Mayor and shall receive the compensation of the Mayor.

"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 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 received a salary of four thousand eight hundred pesos a year.

"SEC. 9. *General powers and duties of the Mayor.*&mdashThe Mayor shall have immediate control and supervision over the executive and administrative functions of the different departments and agencies of the city, subject to the supervision of the Office of the President. He shall have the following powers and duties:"

SEC. 2. Section ten of the same Act, is amended to read as follows:

"SEC. 10. *City Secretary.*—The Mayor shall appoint one secretary who shall have the title of City Secretary to hold office at the pleasure of the Mayor and who shall receive a compensation at not exceeding four thousand two hundred pesos *per annum*.

The City 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 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 and shall perform such other duties as the Mayor may require of him; and shall upon request, furnish certified copies of all city 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. For the purpose of Section eighteen of this Charter, the City Secretary shall be considered and have the legal status of a city department head.

"The City Secretary shall also have the following powers, duties and responsibilities, to be exercised under the general direction of the Mayor:

"(a) To supervise and coordinate the work of all departments and agencies under the jurisdiction of the mayor;

"(b) To be responsible for the development and administration of a sound personnel system for the city consistent with the governing provisions of the Civil Service Law; and to establish and maintain a roster of all employees of the city, whether or not in the classified service, in which there shall be set forth, as to each employee, the class title of the position held, the salary or pay, any change in class title, pay or status, and other pertinent data;

"(c) To conduct a continuous study of the work, and the internal organization and procedures, of all offices, departments, and agencies under the jurisdiction of the Mayor, and to develop and prescribe accepted administrative procedures and establish management and work standards therefor;

"(d) To analyze and report to the Mayor concerning impending policy decisions affecting the administration of the city and its agencies; "(e) To convene the heads of departments and agencies under the jurisdiction of the Mayor, singly or collectively, for the purpose of conference, discussion and report; and

"(f) To attend meetings of any board or committee when requested by the Mayor, with the privilege of participating in the discussion and deliberations of such boards or committees as the Mayor's proxy."

SEC. 3. The first and last paragraphs of Section eleven of the same Act, as amended by Republic Act Numbered Sixteen hundred ninety-nine, is

further amended to read as follows:

"SEC. 11. *Constitution and organization of the Municipal Board — Compensation of members thereof.*—The Municipal Board shall be the legislative body of the city and shall be composed of the Vice-Mayor, who shall be its presiding officer and shall have no vote except in case of a tie, and eight councilors elected at large by popular vote during the regular election for provincial and municipal officials in conformity with the provisions of the Revised Election Code. The Board shall elect by a majority vote of its entire membership one of the councilors as President Pro tempore, who shall act as presiding officer in the event of any temporary incapacity or absence of the Vice-Mayer or if the office of Vice-Mayer is vacant. Any vacancy; in the office of President Pro tempore shall be filled in like manner. Should the Board fail to elect a President Pro tempore as herein provided, the Mayor may so designate one of the councilors, to temporarily serve until the Board elects one. Whenever the President Pro tempore is serving as acting Mayor in accordance with Section eight of this Charter, the remaining members of the Board may elect a temporary presiding officer for the transaction of business. In case of sickness, absence, suspension or other temporary disability of any member of the Board, or if necessary to maintain a *quorum*, the President of the Philippines may appoint a temporary substitute who shall possess all rights and perform all the duties of a member of the Board until the return to duty of the regular incumbent.

"The members of the Municipal Board shall receive a salary of three thousand six hundred pesos *per annum*."

SEC. 4. The first paragraphs of Section twelve and thirteen of the same Act are amended to read as follows:

"SEC. 12. *Qualifications, election, suspension and removal of members of the Board.*—The members of the Board shall be qualified electors of the city, residents therein for at least two years prior to their election, and not less than twenty-five years of age. Election for members of the Board shall be held on the date of the regular election for provincial and municipal officials. Upon qualifying, the members-elect shall assume office on the first day of January next following their election until their successors are elected and qualified.

"SEC. 13. *Appointment, salary and duties of Secretary of the Board.*—The Board shall have a secretary who shall be appointed by it to serve during the term of office of the

members thereof. The compensation of the secretary shall not exceed three thousand six hundred pesos *per annum*."

SEC. 5. The first and last paragraphs of Section fourteen of the same Act, are amended to read as follows:

"SEC. 14. *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 days which it shall fix by resolution, and extraordinary sessions as may be called by the Mayor. However, any five members of the Board may call special meetings of the Board upon at least twenty-four hours notice to each member. Such notice shall be delivered personally to each member or left at his usual place of residence with some responsible person. 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 rules 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. Every ordinance and every resolution shall be presented in writing and read in full before a vote is taken thereof: *Provided*, That the reading may be dispensed with by unanimous consent. Except for emergency ordinances, no ordinance shall be passed at the meeting at which it is introduced and until at least two days have elapsed between its introduction and final passage. Should the Board by unanimous vote of a *quorum* declare the existence of an emergency due to a public calamity, the Board by unanimous vote of a *quorum* may waive all of the procedural and publication requirements of this section except those relating to the number of votes required for passage of an ordinance, the submission of ordinances and resolutions to the Mayor for his approval, and the official record of each ordinance and resolution and the vote thereon: *Provided, however*, That no