

[REPUBLIC ACT No. 1368, June 18, 1955]

**AN ACT TO AMEND CERTAIN SECTIONS OF COMMONWEALTH ACT
NUMBERED FIFTY-ONE, AS AMENDED, OTHERWISE KNOWN AS
THE CHARTER OF THE CITY OF DAVAO.**

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

SECTION 1. Section seven of Commonwealth Act Numbered Fifty-one, as amended, is further amended to read as follows:

"SEC. 7. *Election and compensation.*—The Mayor shall be the chief executive of the city.

"The Mayor shall be elected by the qualified voters of the city during every regular election for provincial and municipal officials in accordance with the provisions of the Revised Election Code: *Provided*, That the first election for Mayor shall be held simultaneously with the regular elections for provincial and municipal officials to be held following the approval of this Act. Pending the said next regular elections, the incumbent Mayor of the city at the time of the approval of this Act shall continue to hold office and in case said office be vacant at the time this Act takes effect, the President shall appoint a person to act as Mayor until his successor shall have been elected and have qualified.

"No person shall be elected Mayor unless he has been a citizen of the Philippines for at least five years, is at least twenty-five years of age at the time of his election, a resident of the city for not less than one year immediately prior to his election and a qualified voter therein.

"The Mayor shall receive a salary of eight thousand four hundred pesos a year. With the approval of the proper Head of Department, he may receive, in addition to his salary, a non-commutable allowance of two thousand pesos *per annum*. He shall also be entitled, at the discretion of the City Council, to quarters allowance."

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

"SEC. 8. *Vice-Mayor.*—There shall be a vice-mayor who shall perform the duties of the Mayor, in the event of the sickness, absence 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 office of the Mayor, or said office of the vice-mayor is vacant, the duties of the Mayor shall be performed by the city engineer. The acting mayor shall have the same powers and

duties as the Mayor.

"The vice-mayor shall be the presiding officer of the City Council and 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 receive a salary of five thousand four hundred pesos a year."

SEC. 3. Section ten of the same Act is amended to read as follows:

"SEC. 10. *City Secretary*.—There shall be a city secretary who shall be appointed by the Mayor; and who shall receive a salary of four thousand two hundred 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 Board of Tax 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, 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, proclamations, 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 certificate, 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 thirty-three hereof."

SEC. 4. The provisions of section twelve of the same Act are repealed, and, in lieu thereof, the following new provisions are inserted:

"SEC. 12. *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, as the presiding officer, and ten councilors, who shall be elected at large by the voters of the city, in conformity with the

provisions of the Revised Election Code, and shall hold office for four years unless sooner removed. The ten candidates receiving the greatest number of votes shall be declared elected.

"In case of sickness, absence, suspension or other temporary disability of any member of the council, or if for any reason it becomes necessary to maintain a *quorum*, the President of the Philippines may appoint a temporary substitute -who shall possess all the rights and perform all the duties of a member of the Council until the return to duty of the regular incumbent.

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

"The members of the council shall each receive an annual compensation of three thousand six hundred pesos."

SEC. 5. There are hereby inserted between sections twelve and thirteen of the same Act four sections, to be known as sections 12-A, 12-B, 12-C, and 12-D, which shall read as follows:

"SEC. 12-A. *Qualification, election, suspension and removal of members of the Council.*—The members of the City Council shall be qualified electors of the city, shall be residents thereof for at least one year, and be not less than twenty-three years of age. The members-elect shall upon qualifying assume office on the date fixed in the Revised Election Code and hold office until their successors are elected and have qualified.

"The members of the City Council 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 to the suspension or removal of said members of the Council."

"SEC. 12-B. *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. 12-C. *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 fixed by the council at not exceeding three thousand six hundred 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.

"(c) He shall record in a book kept for the purpose all ordinances and resolutions and motions directing the payment of money or creating liability enacted or adopted by the Council, with the dates of approval of the same, and of the publication of the ordinances.

"(d) He shall keep a seal, circular in form with the inscription "City Council—City of Davao" and affix the same, with his signature, to all ordinances and official acts of the council, which he shall present for signature to the presiding officer of the Council.

"(e) He shall cause each ordinance passed by the Council to be published.

"(f) He shall furnish on demand, certified copies of all records of public character in his charge, and collect and receive therefor such fees as may be prescribed by ordinance or resolution of the Council.

"(g) He shall keep his office and all records therein which are not of a confidential character open to public inspection during the usual business hours."

"SEC. 12-D. *Method of transacting business of the Council.—Veto authentication and publication of ordinances.*—Unless the proper Head of Department orders otherwise, the Council shall hold one regular session for the transaction of business during each week on a day which it shall fix by resolution, and such special sessions, not exceeding thirty during any one year, as may be called by the Mayor. It shall sit with open doors, unless otherwise ordered by an affirmative vote of six members. It shall keep a record of its proceedings and determine its rules of procedure not herein set forth. Six 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 of the city an order for his arrest and production at the session under such penalties as shall have been previously prescribed by ordinance. Six 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 any 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 city, signed by the presiding officer and the secretary of the Council and recorded in a book for the purpose, and shall, on the day following its passage, be posted by the secretary at the main entrance to the city