

[REPUBLIC ACT NO. 321, June 19, 1948]

AN ACT CREATING THE CITY OF OZAMIZ

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 Ozamiz.

ARTICLE I.—General Provisions

SEC. 2. *Territory of the City of Ozamiz.*—The City of Ozamiz which is hereby created, shall comprise the present territorial jurisdiction of the municipality of Misamis, in the Province of Misamis Occidental. The President of the Philippines may, by executive order, increase the territory of the City of Ozamiz by adding thereto such contiguous barrios or municipalities as may be necessary and desirable in the public interest.

SEC. 3. *Corporate character of the City.*—The City of Ozamis 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 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 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. *The City not liable for damages.*—The city shall liable or held for damages or injuries to person or property arising from the failure of the Municipal Board, the 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 Municipal Board, Mayor or other city officers or employees while enforcing or attempting to enforce the provisions thereof.

SEC. 6. *Jurisdiction of the City.*—The jurisdiction of the City of Ozamiz for police purposes shall be coextensive with its territorial jurisdiction, and shall extend to three miles from the shore into the Panguil Bay; 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.

ARTICLE II.—The Mayor

SEC. 7. *The Mayor.—His Election and Compensation.*— The Mayor shall be the Chief Executive of the city. He shall be elected by the qualified electors of the city every four years in conformity with the provisions of the Election Law, provided that the incumbent Mayor and other local elective officials shall continue in office until their successors are elected and qualified. He shall receive a salary of not exceeding four thousand pesos a year. With the approval of the Secretary of the Interior, the Mayor may be provided, in addition to his salary, a non-commutable allowance of not exceeding two thousand pesos *per annum*.

SEC. 8. *The Acting Mayor.*—In the event of sickness, absence, or other temporary incapacity of the Mayor, or in the event of a vacancy in the position of Mayor, the City Treasurer shall perform the duties of the 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 City Treasurer, said duties shall be performed by the City Engineer. In case of incapacity of the officials mentioned above to perform the duties of the Mayor, the President shall appoint or designate one. The Acting Mayor shall have the same powers and duties as the Mayor, and, if one appointed or designated is other than a government official, he shall receive the same compensation.

SEC. 9. *General powers and duties of the Mayor.*—Unless otherwise provided by law, the Mayor shall have immediate control over the executive and administrative functions of the different departments of the city, subject to the authority and supervision of the Secretary of the Interior. 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 interests 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 occasion arises. 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 in its behalf all its bonds, contracts, and obligations made in accordance with law or ordinance.
- (i) To submit to the municipal board 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 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 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, floods and the effects of storms and other public calamities.

(n) To submit an annual report to the Secretary of the Interior.

(o) To perform such other duties and exercise such other executive powers as may be prescribed by law or ordinances.

SEC. 10. *Secretary to Mayor.*—The Mayor shall appoint one secretary who shall hold office at the pleasure of the Mayor and who shall receive a compensation, to be fixed by ordinance approved by the Secretary of the Interior, at not exceeding one thousand eight hundred pesos *per annum*.

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 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; 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 twenty centavos for each one hundred words including the certificate, such fees to be paid directly to the City Treasurer.

ARTICLE III.—*The Municipal Board*

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 Mayor, who shall be its presiding officer, the city treasurer, the city engineer, and five councilors elected at large by popular vote during every election for provincial and municipal officials in conformity with the provisions of the Election Code. 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 the rights and perform all the duties of a member of the Board until the return to duty of the regular incumbent.

If any member of the municipal board should be candidate for office in any election, he shall be disqualified to act with the board in the discharge of the duties conferred upon it relative to election matters, and in such case the other members of the board shall discharge said duties without his assistance, or they choose a disinterested elector of the city to act with the board in such matters in his stead.

The members of the municipal board shall receive ten pesos for each day of attendance of the session of the Board.

SEC. 12. Qualifications, election, suspension and removal of members of the board.

—The members of the municipal board shall be qualified electors of the city, residents therein for at least one year, and not less than twenty-three years of age. Upon qualifying, the members-elect shall assume office on the date fixed in the Election Code until their successors are elected and qualified.

If for any reason the election fails to take place on the date fixed by law, or such election results in a failure to elect one or more of the members, the President shall issue as soon as practicable a proclamation calling a special election to fill said office. Whenever the member-elect dies before assumption of office, or, having been elected, his election is not confirmed by the President for disloyalty, or such member-elect fails to qualify for any reason, the President may in his discretion either call a special election or fill the office by appointment. Vacancies occurring after assumption of office shall be filled by appointment by the President of a suitable person belonging to the political party of the officer whom he is to replace.

The members of the municipal board 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 providing for the suspension or removal of elective provincial officers are hereby made effective for the suspension or removal of said members of the board.

SEC. 13. Appointment, salary and duties of the 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 be fixed by ordinance approved by the Secretary of the Interior, at not exceeding one thousand eight hundred pesos *per annum*. A vacancy in the office of the secretary shall be filled temporarily for the unexpired term in like manner.

The secretary shall be in charge of the records of the municipal board. He shall keep a full 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 Ozamiz," 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 clause each ordinance to be published as herein provided; shall, upon request, furnish copies of all records of public character in his charge under the seal of his office and charge twenty centavos for each one hundred words including the certificate, the 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 the public inspection during usual business hours.

SEC. 14. Method of transacting business by the board—Veto—Authentication and publication of ordinances.—Unless the Secretary of the Interior orders otherwise, the Board shall hold one ordinary session for the transaction of business during each week on a day which it shall fix by resolution, and such extraordinary session, 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 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. 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 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 over ridden 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 again 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 Secretary of the Interior 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 of 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 appropriation ordinance be disapproved by the Mayor, the corresponding item or items in the appropriation ordinance of the previous year shall be deemed restored unless otherwise expressly directed in the veto.

The Secretary of the Interior shall have full power to disapprove directly, in whole or in part, any ordinance, resolution or motion of the municipal board if he finds said ordinance, resolution or motion or parts thereof, beyond the powers conferred upon the Board.

SEC. 15. *General powers and duties of the Board.*—Except as otherwise provided by law, and subject to the conditions and limitations thereof, 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 to exceed two *per centum*, *ad valorem*.