

# [ Act No. 2774, March 09, 1918 ]

## **AN ACT TO AMEND CERTAIN SECTIONS OF THE ADMINISTRATIVE CODE FOR THE PURPOSE OF CLARIFYING CERTAIN PROVISIONS DEFINING THE DUTIES AND POWERS OF THE MAYOR AND THE MUNICIPAL BOARD OF THE CITY OF MANILA, AND FOR OTHER PURPOSES.**

*Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:*

SECTION 1. The third paragraph of section six hundred and sixteen of the Administrative Code is hereby amended to read as follows:

"In the city of Manila, all warrants shall be drawn by the Mayor, or by the officer or employee of the city whom he may designate for this duty, with the approval of the Secretary of the Interior."

SEC. 2. Section eight hundred and eighty-eight of the same Act is also amended, to read as follows:

"SEC. 888. *Mode of making application and acting upon the same.*—An application for a personal license to possess firearms and ammunition, as herein provided, made by a resident of the city of Manila, shall be directed to the Mayor of said city, whose duty it shall be to forward the application to the Governor-General, with his recommendation. Applications made by residents of a province shall be directed to the governor of the same, who shall make his recommendation thereon and forward them to the Governor-General, who may approve or disapprove any such application.

"The Governor-General, upon receiving and approving the bond or receiving the certificate of deposit duly indorsed to the order of the Insular Treasurer, shall issue the license and transmit the license direct to the applicant, and shall notify the chief of police of the city of Manila if the applicant resides in Manila, otherwise the senior inspector of Constabulary of the province in which the applicant resides. The Chief of Constabulary shall file the certificate of deposit in his office. It shall be the duty of all officers through whom applications for licenses to possess firearms are transmitted to expedite the same."

SEC. 3. Section twenty-four hundred and thirty of the same Act is also amended to read as follows:

"SEC. 2430. *City not liable 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 chapter, 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. 4. Section twenty-four hundred and thirty-four of the same Act is also amended so that its provisions shall be modified, divided into three sections, and designated, respectively, as follows:

"SEC. 2434. *The Mayor; his appointment and compensation.*—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, subject to the authority and supervision of the Secretary of the Interior.

"The Mayor shall be appointed by the Governor-General with the consent of the Senate, shall hold office for three years unless sooner removed, and shall receive a salary of ten thousand pesos a year.

"With the approval of the Secretary of the Interior first had, the Municipal Board may, in its discretion, provide quarters for the Mayor or commute the same, in addition to his salary.

"SEC. 2434 (a). *The Acting Mayor.*—In the event of the sickness or absence of the Mayor, the Governor-General shall appoint an Acting Mayor to fill the vacancy during such sickness or absence. The Acting Mayor shall have the same powers and duties as the Mayor, and shall receive the same compensation, unless he is already drawing salary from the city as an officer thereof, in which case the Governor-General may authorize him to receive the same compensation as the Mayor if the Mayor is on leave without pay, but not otherwise.

"SEC. 2434 (b). *General duties and powers of the Mayor.*—The general duties and powers of the Mayor shall be:

"(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 chapter, have control of all its property, except the building known as the Ayuntamiento, which shall continue to be as heretofore under the control and administration of the Insular Government, until the Legislature shall provide otherwise.

"(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, and otherwise to protect the interests of the city, and to cause to be defended all suits against the city.

"(e) To see that the executive officers and employees of the city properly discharge their respective duties. The Mayor may, in the interest of the service and with the approval of the Secretary of the Interior first

had, transfer officers and employees not appointed by the Governor-General from one section, division or service to another section, division or service within the same department, without changing the compensation they receive.

"(f) To examine and inspect the books, records, and papers of all officers, agents, and employees of the city whenever occasion arises, and at least once in each year.

"(g) To give such information and recommend such measures to the Board as he shall deem advantageous to the city.

"(h) To attend, if he wishes to do so, the sessions of the Board and participate in its discussions, but not to vote.

"(i) To represent the city in all its business matters, and sign on its behalf all its bonds, contracts, and obligations made in accordance with the laws or ordinances.

"(j) To release, subject to such conditions as he may see fit, or unconditionally, any person imprisoned or sentenced for violation of a city ordinance, or remit the sentence of such person, or any part thereof.

"(k) 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.

"(l) To receive, hear, and decide as he may deem proper the petitions, complaints, and claims of the residents concerning all classes of municipal matters of an administrative and executive character.

"(m) To grant and 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.

"(n) To determine the time, manner, and place of payment of the salaries and wages of the officers and employees of the city.

"(o) To excuse, with the concurrence of the Director of Education, deserving poor pupils from the payment of school fees or of any part thereof.

"(p) To take such emergency measures as may be necessary to avoid fires, floods, and the effects of storms and other public calamities.

"(q) To perform such other duties and exercise such other executive powers as may be prescribed by law or ordinance."

SEC. 5. Section twenty-four hundred and thirty-six of the same Act is also amended, to read as follows:

"SEC. 2436. *Execution of authorized public works and improvements.*— Unless the Secretary of the Interior shall otherwise direct, all public works of construction, repair, and improvement of the city shall be carried on by administration, under the direction of the Mayor. For justified reasons, the Mayor, with the advice and consent of the Municipal Board, may also have said work done totally or partially by contract, upon advertising for bids therefor. In this event the Mayor shall advertise for sealed bids or proposals for the same in two daily newspapers published in Manila, one printed in English and the other in Spanish, for a period of one week, the first insertion to be not less than ten days before the day fixed for opening such proposals. A plan or profile of the work to be done, accompanied by specifications for the performance of the same, shall, before advertisement, be placed in file in the office of the Mayor, or the department of the city government having charge of the work, which plan, profile, and specifications shall, at all proper times, be open for public inspection. All bids shall be opened in the presence of the Mayor at the advertised time and place. Each bid shall be accompanied by a deposit, the amount and character of which shall be fixed by the Mayor and named in the advertisement, and which shall not exceed ten per centum of the estimated cost of the improvement or work to be done where the estimated cost exceeds two thousand pesos, nor be less than two hundred pesos in any case. Such deposit shall be forfeited to the city if the bidder shall neglect or refuse to enter into a contract, with approved sureties, to execute the work for the price mentioned in his bid and according to the plans and specifications, in case the contract shall be awarded to him. The Mayor may reject any or all bids received. Should all bids be rejected, or should it become necessary for any reason to call for new bids, subsequent advertisements shall be for a period of five days before the proposals are opened, and in the manner above prescribed. Bonds, to be approved by the Mayor, shall be taken for the faithful performance of all contracts. Contracts shall be executed in triplicate by the Mayor and by the contractor, and one original shall be filed in the office of the Mayor, one in the office of the Insular Auditor, and the third shall be given to the contractor."

SEC. 6. Section twenty-four hundred and thirty-nine of the same Act is also amended by striking out the words "four years or until their successors are elected and qualified," in the first paragraph of the section, and inserting in lieu thereof "three years," and by substituting for the second paragraph of said section the following:

"The president of the Board shall receive a per diem of forty pesos and the other members shall receive a per diem of twenty-five pesos for each day of attendance on a session of the Board."

SEC. 7. Section twenty-four hundred and forty-one of the same Act is also amended by substituting in lieu of the words "one thousand eight hundred" appearing in said section, the words "two thousand four hundred."

SEC. 8. Section twenty-four hundred and forty-four of the same Act is also amended to read as follows:

"SEC. 2444. *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.

"(b) To fix the tariff of fees and charges for all services -rendered by the city or any of its departments, branches, or officials.

"(c) To provide for the erection and maintenance or the rental, in case of need, of the necessary buildings for the use of the city.

"(d) To provide for the establishment and maintenance-of free public schools for primary instruction and to provide school-houses therefor, subject to the limitations of chapter thirty-six hereof.

"(e) To establish intermediate, secondary, and professional schools; and with the approval of the Director of Education, to fix reasonable tuition fees for instruction therein.

"(f) 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.

"(g) To maintain the municipal courts established by law, 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.

"(h) 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.

"(i) To establish and maintain engine houses, fire engines, hose carts, hooks and ladders, and other equipment for the prevention and extinguishment of fires, and to regulate the management and use of the same.

"(j) 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.

"(k) 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 to provide relief for persons suffering from the same.