

# **[ Commonwealth Act No. 404, September 13, 1938 ]**

## **AN ACT TO AMEND CERTAIN SECTIONS OF COMMONWEALTH ACT NUMBERED THREE HUNDRED AND TWENTY-SIX, ENTITLED "AN ACT CREATING THE CITY OF BACOLOD."**

*Be it enacted by the National Assembly of the Philippines:*

SECTION 1. The first paragraph of section seven of Commonwealth Act Numbered Three hundred and twenty-six is hereby amended so as to read as follows:

"SEC. 7. *Relations between the City of Bacolod and the Provincial Government of Occidental Negros.*—For election purposes, the City of Bacolod shall continue as part of the Second Assembly District of the Province of Occidental Negros. The voters of said City of Bacolod shall take part in the election of the provincial officers of Occidental Negros, but the latter shall have no jurisdiction over the City of Bacolod and the officers of the same, except as provided in section fifteen hereof."

SEC. 2. Section eleven of Commonwealth Act Numbered Three hundred and twenty-six is hereby amended so as to read as follows:

"SEC. 11. *Secretary to the Mayor.*—The Mayor shall appoint the Secretary who shall have the following duties: .

" (a) To act as Chief Clerk of the Office of the Mayor.

"(b) To 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.

"(c) To keep the corporate seal.

"(d) To perform such other duties as the Mayor may direct."

SEC. 3. The last paragraph of section thirteen of Commonwealth Act Numbered Three hundred and twenty-six is hereby repealed and the penultimate paragraph thereof is amended so as to read as follows:

"The Mayor, the city engineer, and the city treasurer shall serve in the City Council without additional compensation. The other councilors shall receive, for each day of attendance at the sessions of the Council, a per diem of from five to ten pesos as may be authorized by ordinance approved by the department head."

SEC. 4. The second paragraph of section fourteen of Commonwealth Act Numbered Three hundred and twenty-six is hereby amended so as to read as follows:

"The secretary shall be in charge of the records of the City Council. He shall keep a full record of the proceedings of the Council, and file all documents relating thereto; shall record, in a book kept for the purpose, all ordinances, and all resolutions and motions directing the payment of

money or creating liability, with the dates of approval of the same, and of the publication of ordinances; shall keep a seal, circular in form, with the inscription 'City Council— City of Bacolod,' and shall affix the same, with his signature, to all ordinances and other official acts of the Council and shall present the same for signature to the President thereof; shall cause each ordinance passed to be published in the native language generally spoken in the city, as well as in either English or Spanish depending on the language used in the same at the time of its passage in the Council; shall, on demand, furnish 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; 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. 5. The second paragraph of section fifteen of Commonwealth Act Numbered Three hundred and twenty-six is hereby amended so as to read as follows:

"Ordinances involving appropriations shall be subject to the approval of the Provincial Board which shall act upon each of such ordinances within ten days from submission thereof: Provided, That upon failure of the Board to act on the same within the said period of ten days, such ordinance shall be deemed to have been approved: And, "provided, further, That any action of the Board disapproving any such ordinance shall be appealable to the Secretary of Finance, whose action shall be final."

SEC. 6. Section sixteen of Commonwealth Act Numbered Three hundred and twenty-six is hereby amended so as to read as follows:

"SEC. 16. *Method of transacting business by Council*— Veto, authentication and publication of ordinances.—Unless the Secretary of the Interior orders otherwise, the Council shall hold ordinary sessions twice a week for the transaction of business, on days which it shall fix by resolution, and such extraordinary sessions not exceeding ten days 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 four members. It shall keep a record of its proceedings and determine its rules of procedure. Five members of the Council shall constitute a quorum for the transaction of business. The affirmative vote of a majority of all the members of the City Council shall be necessary for the passage of any ordinance, or 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 ordinance shall be sealed with the city seal, signed by the President and the Secretary of the Council, and recorded in a book kept for that purpose. Each ordinance 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 or resolution or vetoed by the Mayor.

"Each ordinance enacted by the Council, and each resolution or motion directing the payment of money or creating liability, 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 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 vote of two-thirds of all the members of the Council."

SEC. 7. Paragraphs (m) and (n) of section seventeen of Commonwealth Act Numbered Three hundred and twenty-six are hereby amended so as to read as follows:

"(m) To tax, fix the license fee for, regulate the business and fix the location of, match factories, blacksmith shops, foundries, steam boilers, lumberyards, shipyards, the storage and sale of gunpowder, tar, pitch, resin, coal, oil, gasoline, benzine, turpentine, hemp, cotton, nitroglycerine, petroleum, or any of the products thereof, and all other highly combustible or explosive materials, and other establishments likely to endanger the public safety or give rise to conflagrations or explosions, and, subject to the regulations issued by the Bureau of Health in accordance with law, tanneries, renderies, tallow chandleries, embalming and funeral parlors, bone factories, and soap factories. ,

" (n) To tax motor and other vehicles, notwithstanding the provisions to the contrary contained in section thirteen of Act Numbered Thirty-nine hundred and ninety-two, as amended, and draft animals not paying any national tax: Provided, That all automobiles and trucks belonging to the National Government or to any provincial or municipal government and automobiles and trucks not regularly kept in the City of Bacolod shall be exempt from such tax."

SEC. ,8. Section nineteen of Commonwealth Act Numbered Three hundred and twenty-six is hereby amended so as to read as follows:

"SEC. 19. *City departments—Municipal Court.*—There shall be a department of engineering and public works headed by the city engineer; a law department headed by the city attorney; a finance department headed by the city treasurer; and a police department headed by the chief of police, and such other departments as may from time to time be established by law or ordinances approved by the Secretary of the Interior. Pending the establishment of such departments, the existing officials who perform functions for or in behalf of the municipal government of Bacolod shall continue to perform their respective functions and receive their present compensation.

"The City Council may, by ordinance approved by the Department Head or heads of the National Government concerned, make from time to time such readjustment of the duties of the several departments, as the public interest may demand, or alter, consolidate or abolish them.

"There shall be a Municipal Court presided over by a Judge."