

[Commonwealth Act No. 58, October 20, 1936]

AN ACT CREATING THE CITY OF CEBU.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. This Act shall be known as the Charter of the City of Cebu.

ARTICLE I.—*General Provisions*

SEC. 2. *Corporate character of the City of Cebu.*—The City of Cebu 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. 3. *Territorial jurisdiction.*—The territorial jurisdiction of the City of Cebu which is hereby created, shall comprise the present territorial jurisdiction of the municipality of Cebu.

SEC. 4. *Seal and general powers of city.*—The city may have a common seal, and alter the same at pleasure, and 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. *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 charter, 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. 6. *Jurisdiction of city for police purposes.*—The jurisdiction of the City of Cebu for police purposes only shall extend to three miles from the shore into the Bay of Cebu and over a zone surrounding the city on land of two and one-half miles in width; 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. The Municipal Court of the City of Cebu shall have concurrent jurisdiction with the Court of First Instance of Cebu and the justice of the peace courts of the respective municipalities, to try crimes and misdemeanors committed within said zone of two and one-half miles in width, 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. The police of the several municipalities concerned shall have concurrent jurisdiction with the police of the City of Cebu for the maintenance of good order and the enforcement of lawful ordinances throughout said zone, area and spaces. But any license that may lawfully be granted within said zone, area or spaces shall be granted by the proper authorities of the municipality concerned, and the fees arising therefrom shall appertain to the

treasury of the municipality concerned and not to that of the City of Cebu.

ARTICLE II.—*The Mayor, the Municipal Board, and Municipal Offices and Officers in General*

SEC. 7. *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 President of the Philippines with, the approval of the Commission on Appointments, shall hold office for three years unless sooner removed, and shall receive a salary of six thousand pesos a year.

SEC. 8. *The acting mayor.—In the event of the sickness.*—In the event of sickness, absence or other temporary incapacity of the Mayor, or in the event of a definitive vacancy in the position of mayor, the city engineer shall perform the duties of the Mayor until said office shall be filled, in accordance with law. If, for any reason, the city engineer is temporarily incapacitated for the performance of the duties of the office of mayor, or said office of city engineer is vacant, 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 same compensation.

SEC. 9. *General ditties 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 right 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, 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 President of the Philippines 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 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 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. 10. *Secretary to Mayor.*—The Mayor shall appoint one secretary who 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 custom, in the discretion of the Mayor; 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, on demand, furnish certified copies of all city records and documents in his charge which are not of a confidential character, and collect and receive such fees as may be prescribed by resolution of the Board. The position of secretary shall be regarded as within the unclassified civil service but may be filled in the manner in which classified positions are filled, and if so filled, the appointee shall be entitled to all the benefits and privileges of classified employees, except that he shall hold office only during the term of office of the appointing Mayor and until a successor in the office of secretary is appointed and qualified, unless sooner separated.

SEC. 11. *Execution of authorized public works and improvements.*—Unless the Secretary of the Interior shall otherwise direct, all public works of construction, repair, and improvements 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 newspapers published in Cebu, for a period of two weeks, 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, 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 Auditor General, and the third shall be given to the contractor.

SEC. 12. *Constitution and organization of the Municipal —Municipal Board, Amen Board.*—The Municipal Board shall be the legislative body of the city and shall consist of the City Mayor and seven elective councilors. The City Mayor shall preside at all the meetings in which he is present. In his absence the City Engineer will act as temporary presiding officer of the Board. The President shall sign all ordinances, and all-resolutions and motions directing the payment of money or creating liability, enacted or adopted by the Board. In case of sickness or absence of any member of the Council or if for any reason it becomes necessary to maintain a quorum, the President of the Philippines may make a temporary appointment until the return to duty of the sick or absent member. During the period of such temporary appointment the person receiving the same shall possess all rights and perform all the duties of a member of the Board.

SEC. 13. *Qualifications, election, suspension and removal members of Board.*—The members of the Municipal Board shall be elected at large from the entire city, and each of them at the time of his election shall be a resident for at least one year, and a qualified elector, and not less than twenty-three years of age. Such members 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 and for the confirmation of their elections are made effective for the suspension or removal of said members of the Board and for the confirmation of their elections. In so far as they are applicable all the provisions of the Election Law are made effective as to members of the Board and to their election to the same extent as if the City of Cebu were a province and the election of said members were the election for member of the provincial board, except where there is a conflict between the provisions of the Election Law and this chapter, in which case the provisions of this charter shall prevail.

The qualified voters of the City of Cebu, thus established and created under the present Act, shall be entitled to vote in the election of the provincial governor and the members of the provincial board of the Province of Cebu, and for this purpose, the city shall continue to form part of the province.

Elections for members of the Board shall be held on the date of the general triennial election, and elected members shall take office on the sixteenth day of October next

following their election, upon qualifying, and shall hold office until their successors are elected and qualified. The seven candidates receiving the greatest number of votes at any election shall be declared elected, and any tie for the seventh place shall be broken by the President of the Philippines designating from among the candidates tied for such place the one to be declared elected. If any person so elected is ineligible to hold office, or if for any reason there should be a failure to elect one or more members, no special election shall be called, but the vacancy shall be, filled for the term by the President of the Philippines with the approval of the Commission on Appointments. Vacancies in the office of member occurring after taking office shall be filled for the unexpired term in like manner.

SEC. 14. *Appointment and duties of secretary of Board.*—The Board shall have a secretary, who shall be elected by it to serve during the term of office of the then members. A vacancy in the office of secretary shall be filled temporarily or 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 Cebu," in the center of which shall be placed the arms of the city, 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 president; shall cause each ordinance passed to be published as herein provided; shall, on demand, furnish certified copies of all records of public character in his charge under the seal of his office; and collect and receive therefor such fees as may be prescribed by resolution of the Board; and shall keep his office and all records therein which are not of a confidential character open to public inspection during usual business hours. His compensation as secretary shall be fixed by the Board at not exceeding one thousand two hundred pesos a year.

SEC. 15. *Appropriations by Board*—The Board shall make all appropriations for the expenses of the government of the city. Whenever the Board fails to pass an appropriation ordinance for any year before the end of the previous year, the appropriation ordinance for such, previous year shall be deemed reenacted, and shall go into effect on the first day of January of the new year as the appropriation ordinance for that year, until a new appropriation ordinance is duly enacted.

SEC. 16. *Method of transacting business by Board—Veto—Authentication and publication of ordinances.*—Unless the Secretary of the Interior orders otherwise, the authentication Board shall hold two ordinary sessions for the transaction of business during each week on days which it shall fix by resolution, and such extraordinary 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 five members. It shall keep a record of its proceedings and determine its rules of procedure not herein set forth. . Four members of the Board shall constitute a quorum for the transaction of business, and four affirmative votes shall be necessary for the passage of any ordinance, resolution, or motion. The ayes and noes 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 proposed ordinance shall be published in two newspapers of general circulation in the city and