

[Commonwealth Act No. 51, October 16, 1936]

AN ACT CREATING THE CITY OF DAVAO.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. This Act shall be known as "The Charter of the City of Davao."

ARTICLE I.—*General Provisions*

SEC. 2. *Territory of the city.*—The City of Davao, which is hereby created, shall comprise the territories of the present municipality of Davao and the municipal district of Guianga.

SEC. 3. *Corporate character of the City of Davao.*—The City of Davao 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 shall 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, and 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 not be liable or held for damages or injuries to persons or property arising from the failure of the Mayor, the City Council, or any other city officer, to enforce the provisions of this Charter, or any other law or ordinance, or from negligence of said Mayor, City Council, or other officers while enforcing or attempting to enforce said provisions.

SEC. 6. *Jurisdiction of the city for police purposes.*—The jurisdiction of the City of Davao for police purposes only shall extend to three miles from the shore into the sea 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 police of the several municipalities concerned shall have concurrent jurisdiction with the police of the City of Davao 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, and 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 Davao.

ARTICLE II.—*The Mayor*

SEC. 7. *Appointment and compensation.*—The Mayor shall be the chief executive of

the city.

The Mayor shall be appointed by the President, with the consent of the Commission on Appointments of the National Assembly, and shall hold office at the pleasure of the President.

He shall receive a salary of four thousand and eight hundred pesos a year. With the approval of the Secretary of the Interior, the Mayor may receive, in addition to his salary, a not commutable allowance of two thousand pesos *per annum*.

SEC. 8. *The acting 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, 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 incapacitated to perform the duties of the Mayor, or the office of city engineer is vacant, the duties of the Mayor shall be performed by the city treasurer. In case of the incapacity of the officials mentioned above to perform the duties of the Mayor, the President shall appoint one. The acting Mayor shall have the same powers and duties as the Mayor, and shall receive the same compensation.

SEC. 9. *General powers and duties of the Mayor.*—As chief executive of the city government, the Mayor shall have immediate control over the executive and administrative functions of the different departments, subject to the supervision of the Secretary of the Interior, and shall be held accountable for the proper administration of all affairs of the city. He shall have the following powers and duties:

- a. To comply with and enforce and give the necessary orders for the faithful and proper enforcement and execution of the laws and city ordinances and resolutions 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 have control of all its property.
- c. To see that all taxes and other revenues of the city are collected, and the city funds 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 officers and employees of the city properly discharge their respective duties. (f) To examine and inspect the books, records, and papers of all executive or administrative officers, agents, and employees of the city whenever occasion arises, and at least once a year. For this purpose he shall be provided by the City Council with such clerical or other assistance as may be necessary.
- f. To give such information and recommend such measures to the Council as he shall deem advantageous to the city.
- g. To represent the city in all its business matters, and sign on its behalf all its bonds, contracts, and obligations made in accordance with law or ordinance.
- h. To submit to the City Council before the thirty-first day of October of each year a budget of receipts and expenditures of the city.
- i. 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.

- j. To grant and refuse municipal licenses or permits of all classes and to revoke same, in conformity with the provisions of laws and ordinances, or for violation of the conditions upon which they were granted, or if acts prohibited by law or municipal ordinances 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.
- k. To determine according to law or ordinance the time, manner, and place of payment of the salaries and wages of the officers and employees of the city.
- l. To exempt, with the concurrence of the division superintendent of schools, deserving poor pupils from the payment of school fees or any part thereof.
- m. To make all appointments, except as otherwise provided in this Charter.
- n. To take such emergency measures as may be necessary to avoid fires, floods, and the effects of storms and other public calamities.
- o. To render an annual report to the Secretary of the Interior.
- p. To exercise the power of veto, but any vetoed ordinance or resolution may be repassed by a two-thirds vote of all the members of the Council.
- q. To perform such other duties and exercise such other executive powers as may be prescribed by law or ordinance.

Sec. 10. *Secretary to the Mayor.*—The Mayor shall appoint the secretary in accordance with Civil Service Law, rules and regulations, who shall have the following duties:

- a. To act as chief clerk of the Mayor.
- b. To act as secretary of the City Council, 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 have charge of all records and documents of the city for which provision is not otherwise made.
- d. To keep the corporate seal and affix the same with his signature to all ordinances and other official acts of the Mayor or Council.
- e. To record in a book kept for that purpose all ordinances passed by the City Council, with the dates of passage and publications of the same.
- f. To post all proposed ordinances of the City Council, with the exception of emergency ordinances certified by the Mayor as such, at the main entrance of the city building at least five days before final action is taken thereon by the Council.
- g. To translate or cause to be translated each ordinance into the native language generally spoken in the city and have copies thereof posted at the main entrance of the city building and in other frequented places of the city and in each barrio, and shall, on demand, furnish certified copies of all city records and documents, and collect and receive therefor such fees as the Council may prescribe, for the use of the city.
- h. To keep a civil register for the city and to record therein all births, marriages, and deaths with their respective dates.
- i. To perform such other duties as the Mayor or Council may direct.

SEC. 11. *Execution of authorized public works and improvements.*—All public works of construction, repair, and improvement of the city shall be carried on by administration under the direction of the city engineer. For justified reasons, the Mayor, upon recommendation of the city engineer, 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 of general circulation in the City of Davao, one in the native language generally spoken in the city and the other in English or 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 on file in the office of the city engineer, 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 and the city engineer 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 in no case shall be less than two hundred pesos nor shall exceed ten per centum of the estimated cost of the improvement or work to be done where said cost exceeds two thousand pesos. Such deposit shall be forfeited to the city if the bidder in case the contract shall be awarded to him 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. The Mayor may upon recommendation of the city engineer 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 advertisement shall be for a period of five days 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 provincial auditor, and the third shall be given to the contractor.

ARTICLE III.—*The City Council*

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 Mayor, who shall be its presiding officer, the city engineer, the city treasurer, and five councilors, two appointed by the President, with the consent of the Commission on Appointments of the National Assembly, and the other three elected by popular vote. Pending the next general elections, the offices of said three elective councilors shall be filled in the same manner as the offices of the appointive councilors.

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 councilors shall be residents of the City of Davao and shall have the status of provincial officers of a regularly organized province.

The Mayor, the city engineer, and the city treasurer shall serve in the City Council without additional compensation. The 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 Secretary of the Interior.

The Council shall fix the times and places for its regular meetings, which shall be held once a week, and shall hold special meetings when called by the Mayor. Any meeting, regular or special, may, in case the amount of business shall require, be

adjourned from day to day until the business is completed. Meetings shall be open to the public, unless otherwise ordered by an affirmative vote of a majority of the members. The Council shall keep a record of its proceedings and determine d. rules of procedure not herein set forth. A majority of the Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. 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 motion or resolution. 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 her measures shall prevail upon the majority vote of the members present at any meeting duly called and held. Each ordinance shall be sealed with the city seal, signed by the Mayor 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 municipal building, and shall take effect and be in force on and after the tenth day following its passage, unless vetoed by the Mayor before the expiration of said ten-day period. A vetoed ordinance, if repassed, shall take effect ten days after the veto is overridden by a two-thirds vote of all the members of the City Council.

SEC. 13. *Appropriations by Council.*—The Council shall make all appropriations for the expense of the government of the city. Whenever the Council 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 from year to year, and shall be renewed and go into effect on the first day of January of each year, as the appropriation ordinance for that year, until a new appropriation ordinance is duly enacted.

SEC. 14. *General powers and duties of the Council.*—Except as otherwise provided by law, and subject to the conditions and limitations thereof, the City Council shall have the following legislative powers:

- a. To levy and collect taxes for general and special purposes in accordance with law, including specifically the power to levy, in addition to the provincial rate, real property tax not to exceed one and a half per centum to be applied one-half to the city school fund and one-half to the city general fund.
- b. To fix the tariff of fees and charges for all services rendered by the city or any of its departments, branches or offices.
- c. To provide for the erection and maintenance or the rental of the necessary buildings for the use of the city.
- d. To provide for the establishment and maintenance of free public schools, at least, for primary instruction.
- e. To establish or aid in the establishment and maintenance of vocational schools and institutions of higher learning conducted by the National Government or any of its subdivisions and agencies; and, with the approval of the Director of Education, to fix reasonable tuition fees for instruction in the secondary and vocational schools and in those higher institutions supported entirely by the city.
- f. To provide for the establishment and maintenance of an efficient police force in the city and make all necessary police ordinances, with a view to the