

# [ Commonwealth Act No. 129, November 05, 1936 ]

## **AN ACT TO AMEND CERTAIN SECTIONS OF COMMONWEALTH ACT NUMBERED FIFTY-EIGHT, ENTITLED "AN ACT CREATING THE CITY OF CEBU."**

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

SECTION 1. Subsection (o) of section nine of Commonwealth Act Numbered Fifty-eight is hereby amended to read as follows:

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

SEC. 2. Section twelve of Commonwealth Act Numbered Fifty-eight is hereby amended to read as follows:

"SEC. 12. *Constitution and organization of Municipal Board.*—The Municipal Board shall be the legislative body of the city, and shall consist of eight elective members who shall hold office for three years. The members of the Board shall elect each year from among their number a president, who for one year shall preside at all meetings of the Board at which he is present. In his absence, the Board shall elect one of its members as temporary presiding officer. The president shall sign all ordinances, 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 Board, 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 the rights and perform all the duties of a member of the Board.

"The members of the Board shall receive a per diem of ten pesos for each day of attendance on a session of the Board."

SEC. 3. The third paragraph of section thirteen of Commonwealth Act Numbered Fifty-eight is hereby amended to read as follows:

"Elections for members of the Municipal Board shall be held on the date of the general triennial election, and elected members shall take office on the sixteenth day of July next following their election, and upon qualifying, shall hold office until their successors are elected and qualified. The eight candidates receiving the greatest number of votes any election shall be declared elected, and any tie for the eighth 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. 4. Section sixteen of Commonwealth Act Numbered Fifty-eight is hereby amended to read as follows:

"SEC. 16. *Method of transacting business by Board—Veto—Authentication and publication of ordinances.*—Unless the Secretary of the Interior orders otherwise, the 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 four 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 shall not be discussed or enacted by the Board until after the third day following such publication. Each ordinance enacted by the Board, 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 to be approved. If he returns it with his veto, his reasons therefore in writing shall accompany it. It may then be again enacted by the affirmative votes of five 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 to 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. Each approved ordinance shall be sealed with the city seal, signed by the presiding officer of the Board and the secretary, and recorded in a book kept for that purpose; shall be published in two newspapers of general circulation in the city within ten days after its approval; and shall take effect and be in force on and after the twentieth day following its publication, if no date is fixed in the ordinance. With the exception of ordinances vetoed by the Mayor when said veto has not been sustained by the Secretary of the Interior, all ordinances approved by the Municipal Board shall be forwarded to the Provincial Board of the Province of Cebu

for approval. In case of disapproval, the Municipal Board or the city Mayor may appeal to the Department of the Interior, the action of which shall be final."

SEC. 5. Subsection (n) of section seventeen of Commonwealth Act Numbered Fifty-eight is hereby amended to read as follows:

"(n) To tax vehicles and draft animals not paying any insular tax."

SEC. 6. Section twenty-one of Commonwealth Act Numbered Fifty-eight is hereby amended to read as follows:

"SEC. 21. *Appointment and removal of officials and employees.*—With the approval of the Commission on Appointments of the National Assembly, the President of the Philippines shall appoint the fiscal of the city and his assistant, the judge of the Municipal Court and, in case of a temporary vacancy on such court, an acting judge therefor, the city engineer and his assistant, the chief of police and his assistant, the chief of the fire department and his assistant, the city treasurer, the city assessor, and the city superintendent of schools. Subject to the provisions of the Civil Service Law, the Mayor shall appoint all other officers and employees of the city whose appointment is not otherwise provided for by law. The Mayor may suspend, and remove, any appointive city officer or employee not appointed by the President of the Philippines and may recommend to the President of the Philippines the suspension or removal of any city officer or employee appointed by him. Any such suspension or removal by the Mayor shall be appealable to the Department Head, whose determination of the matter shall be final."

SEC. 7. The first paragraph of section thirty-eight of Commonwealth Act Numbered Fifty-eight is hereby amended to read as follows:

"SEC. 38. *Regular and acting judges of Municipal Court.*—There shall be a Municipal Court for the City of Cebu, for which a judge shall be appointed, to be known as judge of the Municipal Court. He shall receive a salary of three thousand six hundred pesos per annum."

SEC. 8. Section fifty-two of Commonwealth Act Numbered Fifty-eight is hereby amended to read as follows:

"SEC. 52. *List of taxable real estate, how made—Examination of witnesses and register of deeds records.*—The city assessor shall make the list of the taxable real estate in the city> and the names of the owners shall be arranged in the order of the lot and block numbers with a brief description opposite each such name of the property owned by such owners and the cash value thereof. In making this list, the city assessor shall take into consideration any sworn statement made by the owners of the property, but shall not be prevented thereby from considering other evidence on the subject and exercising his own judgment in respect thereto. For the purpose of completing this list, he and his authorized representatives are empowered to enter upon the real estate for the purpose of examining and measuring the same, and to summon witnesses, administer oaths to them, and subject them to examination concerning the ownership and the amount of real estate and its cash