

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session



HOUSE BILL NO. 4415

Introduced by Representative **FLORENCIO "JOEBEN" T. MIRAFLORES**

EXPLANATORY NOTE

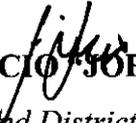
The Municipality of Malay, Province of Aklan, is a first-class municipality that has long served as one of the Philippines' foremost tourism and economic gateways. Anchored by the global destination of Boracay, Malay contributes to Aklan's income of billions of pesos annually through tourism revenues, sustains thousands of livelihoods, and contributes significantly to national economic growth.

Republic Act No. 11683, entitled "*An Act Amending Section 450 of Republic Act No. 7160, as Amended, by Providing for the Requisites for the Conversion of a Municipality into a Component City, and for Other Purposes,*" provides the legal framework for converting municipalities into cities. The Municipality of Malay has met all conditions as required by RA 11683, establishing its eligibility for conversion into a component city.

The creation of the City of Malay Boracay is not only consistent with statutory requisites but also necessary to strengthen governance in a municipality of national and global significance. Cityhood for Malay will enhance its fiscal autonomy by having city-level access to expanded National Tax Allotments (NTA), as well as improving governance capacity by equipping Malay with a stronger and modern political structure to handle the challenges of rapid urbanization, mass tourism, and environmental protection. Cityhood will also contribute to the Malay's push for sustainability by ensuring Boracay and adjacent ecosystems are managed through well-funded programs, balancing tourism and ecological preservation.

Lastly, it will promote equitable growth by extending the benefits of tourism-led prosperity to its component barangays, fostering inclusive development across Malay.

In view of the foregoing, the immediate passage of this bill creating the City of Malay Boracay is earnestly sought to secure the institutional stature, fiscal empowerment, and governance framework necessary for this vital locality to fulfill its role as a pillar of national economic and tourism development.


HON. FLORENCIO "JOEBEN" T. MIRAFLORES
Representative, 2nd District of Aklan

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AN ACT
CONVERTING THE MUNICIPALITY OF MALAY IN THE PROVINCE OF AKLAN
INTO A COMPONENT CITY TO BE KNOWN AS THE CITY OF MALAY BORACAY

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

ARTICLE I
GENERAL PROVISIONS

1
2
3 **Section 1. Title.** This Act shall be known as the “Charter of the City of Malay Boracay.”

4 **Section 2. The City of Malay Boracay.** The Municipality of Malay is hereby converted into
5 a component city to be known as the City of Malay Boracay, hereinafter referred to as the
6 “City,” which shall comprise the present territory of the Municipality of Malay in the Province
7 of Aklan. The territorial jurisdiction of the City shall be within the present metes and bounds
8 of the Municipality of Malay.

9 The foregoing provision shall be without prejudice to the resolution, by the appropriate agency
10 or forum, of existing boundary disputes or cases involving questions of territorial jurisdiction
11 between the City of Malay Boracay and the adjoining local government units (LGUs):
12 Provided, That the territorial jurisdiction of the disputed area or areas shall remain with the
13 LGU exercising powers, prerogatives, and authorities over such disputed area or areas under

14 Republic Act No. 7160, otherwise known as the Local Government Code of 1991, as amended,
15 until the final resolution of the case.

16 **Section 3. Corporate Powers of the City.** The City constitutes a political body corporate and,
17 as such, is endowed with the attribute of perpetual succession and possessed of the powers
18 which pertain to a municipal corporation, to be exercised in conformity with the provisions of
19 this Charter. The City shall have the following corporate powers:

20 (a) To have a continuous succession in its corporate name;

21 (b) To sue and be sued;

22 (c) To have and use a corporate seal;

23 (d) To acquire and convey real or personal property;

24 (e) To enter into contracts; and

25 (f) To exercise such other powers as are granted to corporations, subject to the
26 limitations provided in this Act and other laws.

27 **Section 4. General Powers of the City.** The City shall exercise the power to levy taxes, fees,
28 and charges; to close and open roads, streets, alleys, parks or squares; to take, purchase, receive,
29 hold, lease, convey and dispose of real and personal property for the general interests of the
30 City; to expropriate or condemn private property for public use; to contract and be contracted
31 with, to sue and be sued; to prosecute and defend to final judgment and execution suits wherein
32 the City is involved or interested in; and to exercise all the powers under Sections 18, 19, 20,
33 and 21 of the Local Government Code of 1991, as amended, subject to the limitations provided
34 therein.

35 **Section 5. General Welfare Clause.** - The City shall exercise the powers expressly granted,
36 those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for
37 its efficient and effective governance, and those which are essential to the promotion of the
38 general welfare.

39 Within its territorial jurisdiction, the City shall ensure and support, among other things, the
40 preservation and enrichment of its culture, promote health and safety, enhance the right of the
41 people to a balanced ecology, encourage and support the development of appropriate and self-

- 71 6) City Budget Officer
- 72 7) City Planning and Development Officer
- 73 8) City Engineer
- 74 9) City Health Officer
- 75 10) City Civil Registrar
- 76 11) City Legal Officer
- 77 12) City Veterinarian
- 78 13) City Social Welfare and Development Officer
- 79 14) City General Services Officer
- 80 15) City Disaster Risk Reduction Management Officer
- 81 16) City Public Employment and Services Officer
- 82 17) City Tourism Officer
- 83 18) City Youth Development Officer
- 84 19) City Cooperatives Development Officer
- 85 20) City Persons with Disability Affairs Officer
- 86 21) City Office of the Senior Citizens Affairs Head
- 87 22) City Agricultural and Biosystems Engineer
- 88 23) City Agriculturist
- 89 24) City Population Officer
- 90 25) City Environment and Natural Resources Officer
- 91 26) City Human Resource Management Officer
- 92 27) City Zoning Administrator
- 93 28) City Business Permitting and Licensing Officer
- 94 29) City Economic Enterprise and Development Officer
- 95 30) City Transportation Regulation Officer
- 96 31) City College Administrator
- 97 32) City Building and Architecture Officer
- 98 33) City Sports Development Officer
- 99 34) City Public Information Officer

100 The City of Malay Boracay shall maintain a City Fire Station to be headed by a City Fire
101 Marshal and a City Jail to be headed by a City Jail Warden.

102 The City of Malay Boracay, through the Sangguniang Panlungsod, may:

- 103 1. Maintain existing offices not mentioned in subsections hereof;
104 2. Create such other offices as may be necessary to carry out the purpose of the City;
105 or
106 3. Consolidate the functions of any office with those of another in the interest of
107 efficiency and economy.

108 Unless otherwise provided herein, all appointive city officials of the City shall be appointed by
109 the City Mayor with the concurrence of the majority of all the Sangguniang Panlungsod
110 Members, subject to Civil Service Law, rules, and regulations. The Sangguniang Panlungsod
111 shall act on the appointment within fifteen (15) days from the date of its submission; otherwise,
112 the same shall be deemed confirmed.

113 **ARTICLE III**
114 **THE CITY MAYOR AND CITY VICE-MAYOR**

115 **Section 9. The City Mayor.** (a) The City Mayor shall be the Chief Executive of the City and
116 shall be elected at large by the qualified voters of the City.

117 The City Mayor shall, at the time of the election, be at least twenty-one (21) years of
118 age, a resident of the City of Malay Boracay for at least one (1) year immediately
119 preceding the day of the election, a qualified registered voter therein, and be able to
120 read and write Filipino or any local language or dialect.

121 The City Mayor, who shall hold office for three (3) years unless sooner removed, and
122 shall not serve for more than three (3) consecutive terms in the same position, shall
123 receive a minimum monthly compensation corresponding to Salary Grade (SG) 30 as
124 prescribed under Republic Act No. 6758, as amended, otherwise known as the
125 Compensation and Position Classification Act of 1989, and the implementing
126 guidelines issued pursuant thereto and such other compensation, emoluments, and
127 allowances as may be determined by law.

128 (b) The City Mayor, as the Chief Executive of the City Government, shall exercise such
129 powers and perform such duties and functions as provided under the Local Government
130 Code of 1991, as amended, this Act, and other laws.

131 (c) For efficient, effective, and economical governance, the purpose of which is the
132 general welfare of the City and its inhabitants, the City Mayor shall:

133 (1) Exercise general supervision and control over all programs, projects,
134 services, and activities of the City Government and, in this connection, shall:

135 (i) Determine the guidelines of city policies and be responsible to the
136 Sangguniang Panlungsod for the program of government;

137 (ii) Direct the formulation of the City Development Plan with the
138 assistance of the City Development Council and, upon approval thereof
139 by the Sangguniang Panlungsod, implement the same;

140 (iii) Present the program of government and propose policies and
141 projects for the consideration of the Sangguniang Panlungsod at the
142 opening of the regular session of the Sangguniang Panlungsod every
143 calendar year and, as often as may be deemed necessary, as the general
144 welfare of the inhabitants and the needs of the City Government may
145 require;

146 (iv) Initiate and propose legislative measures to the Sangguniang
147 Panlungsod and, as often as may be deemed necessary, provide such
148 information and data needed or requested by said Sanggunian in the
149 performance of its legislative functions;

150 (v) Appoint all officials and employees whose salaries and wages are
151 wholly or mainly paid out of city funds and whose appointments are not
152 otherwise provided under the Local Government Code of 1991, as
153 amended, and this Act, and those whose appointment the City Mayor
154 may be authorized by law to appoint;

155 (vi) Represent the City in all its business transactions and sign on its
156 behalf all bonds, contracts, obligations, and such other documents upon
157 the authority of the Sangguniang Panlungsod or pursuant to law or
158 ordinance;

- 159 (vii) Carry out such emergency measures as may be necessary during
160 and in the aftermath of man-made and natural disasters and calamities;
- 161 (viii) Determine the time, manner, and place of payment of salaries or
162 wages of the officials and employees of the City, in accordance with law
163 or ordinance;
- 164 (ix) Allocate and assign office space to the City and other officials and
165 employees who, by law or ordinance, are entitled to such space in the
166 city hall and other buildings owned or leased by the City Government;
- 167 (x) Ensure that all executive officials and employees of the City
168 faithfully discharge their duties and functions as provided for by law and
169 the Local Government Code of 1991, as amended, and cause to be
170 instituted administrative or judicial proceedings against any official or
171 employee of the City who may have committed an offense in the
172 performance of official duties;
- 173 (xi) Examine the books, records and other documents of all offices,
174 officials, agents or employees of the City, and in aid of the executive
175 powers and authority of the City Mayor, require all national officials and
176 employees stationed in or assigned to the City to make available such
177 books, records and other documents in their custody except those
178 classified by law as confidential;
- 179 (xii) Furnish copies of executive orders issued by the City mayor to the
180 Office of the Provincial Governor within seventy-two (72) hours after
181 their issuance;
- 182 (xiii) Visit component barangays of the City, at least once every six (6)
183 months, to deepen his understanding of problems and conditions, to
184 listen and to give appropriate counsel to local officials and inhabitants,
185 to inform component barangay officials and inhabitants of general laws
186 and ordinances which especially concern them, and other wise, conduct
187 visits and inspections to ensure that the governance of the City will
188 improve the quality of life of inhabitants;

189 (xiv) Act on leave applications of appointed officials and employees and
190 the commutation of the monetary value of their leave credits in
191 accordance with law;

192 (xv) Authorize official trips of city officials and employees outside of
193 the City for a period not exceeding thirty (30) days: *Provided*, That trips
194 abroad for longer periods may be authorized in accordance with the
195 Local Government Code of 1991, as amended;

196 (xvi) Call upon any national official or employee stationed in or
197 assigned to the City for advice on matters affecting the City and make
198 recommendations thereon;

199 (xvii) Coordinate with said officials or employees in the formulation and
200 the implementation of plans, programs, and projects; and when
201 appropriate, initiate an administrative or judicial action against a
202 National Government official or employee, who may have committed
203 an offense in the performance of the official duties while stationed in or
204 assigned to the City;

205 (xviii) Authorize payment for medical case, necessary transportation,
206 subsistence, hospital or medical fees of city officials and employees who
207 are injured while in the performance of their official duties and
208 functions, subject to availability of funds;

209 (xix) Solemnize marriages, any provision of law to the contrary
210 notwithstanding;

211 (xx) Conduct an annual Palarong Panlungsod which shall feature
212 traditional sports and disciplines included in national and international
213 games, in coordination with the Department of Education (DepEd); and

214 (xxi) Submit to the provincial governor of the following reports an
215 annual report containing a summary of all matters pertinent to the
216 management, administration, and development of the City and all
217 information and data relative to its political, social and economic

218 conditions; supplemental reports when unexpected events and situations
219 arise at any time during the year, particularly when man-made or natural
220 disasters or calamities affect the general welfare of the City.

221 (2) Enforce all laws and ordinances relative to the governance of the City and in the
222 exercise of its appropriate corporate powers provided under Section 22 of the Local
223 Government Code of 1991, as amended, implement all approved policies, programs,
224 projects, services, and activities of the City, and, in addition to the foregoing, shall:

225 (i) Ensure that the acts of the City's component barangays and of its officials
226 and employees are in accordance with the scope of their prescribed powers,
227 duties, and functions;

228 (ii) Call for the conduct of conventions, conferences, seminars, or meetings of
229 elective or appointive officials of the City, including provincial and national
230 officials and employees stationed in or assigned to the City, at such time and
231 place and on such subjects as may be deemed important for the promotion of
232 the general welfare of the LGU and its inhabitants;

233 (3) Initiate and maximize the generation of resources and revenues and apply the same
234 to the implementation of development plans, program objectives, and priorities,
235 particularly the resources and revenues programmed for agro-industrial development
236 and countryside growth and progress, and relative thereto, shall:

237 (i) Require the head of an office or department to prepare and submit an estimate
238 of appropriations for the ensuing calendar year, in accordance with the budget
239 preparation process enshrined in the Local Government Code of 1991, as
240 amended;

241 (ii) Prepare and submit to the Sangguniang Panlungsod for approval the
242 executive and supplemental budgets of the City for the ensuing calendar year in
243 the manner provided for under the Local Government Code of 1991, as
244 amended;

245 (iii) Ensure that all taxes and other revenues of the City are collected and that
246 city funds are applied to the payment of expenses and settlement of obligations
247 of the City, in accordance with law or ordinance;

248 (iv) Issue licenses and permits and suspend or revoke the same for any violation
249 of the conditions stipulated by law or ordinance and upon which said licenses
250 or permits had been issued;

251 (v) Issued permits, without need of approval therefor from any national agency,
252 for the holding of activities for any charitable or welfare purpose, excluding
253 prohibited games of chance or shows contrary to law, public policy, and public
254 morals;

255 (vi) Require owners of illegally constructed houses, buildings or other structures
256 to obtain the necessary permits, subject to such fines and penalties as may be
257 imposed by law or ordinance, or to make necessary changes in the construction
258 of the same when said construction violates any law or ordinance, or to order
259 the demolition or removal of said house, building or structure within the period
260 prescribed by law or ordinance;

261 (vii) Adopt adequate measures to safeguard and conserve land, mineral, forest,
262 marine, and other resources of the City;

263 (viii) Provide efficient and effective property and supply management for the
264 City Government, and protect the funds, credits, rights, and other properties of
265 the City; and

266 (ix) Institute or cause to be instituted administrative or judicial proceedings for
267 violation of ordinances in the collection of taxes, fees, or charges, and for the
268 recovery of funds and property; and cause the City to be defended against all
269 suits to ensure that its interests, resources, and rights are adequately protected.

270 (4) Ensure the delivery of basic services and the provision of adequate facilities and, in
271 addition thereto:

272 (i) Ensure that the construction and repair of roads and highways funded by the
273 National Government shall be, as far as practicable, carried out in a spatially

274 contiguous manner and in coordination with the construction and repair of the
275 roads and bridges of the City and the province;

276 (ii) Coordinate the implementation of technical services, including public works
277 and infrastructure programs, rendered by national offices and provincial offices.

278 (5) Exercise such other powers and perform such other duties and functions as provided
279 under the Local Government Code of 1991, as amended, and those that are prescribed
280 by law or ordinance.

281 (d) The City Mayor shall hold office in the City Hall of the City of Malay Boracay.

282 The Office of the Mayor may create the following offices, which will be supervised by an
283 officer with a salary equivalent to City Assistant Department Head, to effectively and
284 efficiently deliver services:

285 (1) City Procurement Management Division

286 (2) City Internal Audit Division

287 (3) City Information and Communications Technology Development Division

288 (4) City Public Order and Safety Division

289 **Section 10. The City Vice Mayor.** - (a) There shall be a City Vice-Mayor who shall be elected
290 in the same manner as the City Mayor and shall at the time of the election possess the same
291 qualifications as the City Mayor. The City Vice-Mayor shall hold office for three (3) years,
292 unless sooner removed, and who shall not serve for more than three (3) consecutive terms in
293 the same position, shall receive a monthly compensation corresponding to SG 26 as prescribed
294 under the Compensation and Position Classification Act of 1989, as amended, and the
295 implementing guidelines issued pursuant thereto, and such other compensation, emoluments
296 and allowances as may be determined by law.

297 (b) The City Vice-Mayor shall exercise the following duties:

298 (1) Act as presiding officer of the Sangguniang Panlungsod and sign all warrants
299 drawn on the City Treasury for all expenditures appropriated for the operation
300 of the Sangguniang Panlungsod.

301 (2) Subject to civil service law, rules, and regulations, appoint all officials and
302 employees, including the secretary of the Sangguniang Panlungsod, except that
303 manner of appointment is specifically provided under the Local Government
304 Code of 1991, as amended;

305 (3) Assume the office of the City Mayor for the unexpired term of the latter in
306 the event of permanent vacancy as provided under the Local Government Code
307 of 1991, as amended;

308 (4) Exercise the powers and perform the duties and functions of the City Mayor
309 in cases of temporary vacancy as provided under the Local Government Code
310 of 1991, as amended; and

311 (5) Perform such other duties and functions, and exercise such other powers as
312 provided under the Local Government Code of 1991, as amended, and those
313 that are prescribed by law or ordinance.

314 **ARTICLE IV**

315 **THE SANGGUNIANG PANLUNGSOD**

316 **Section 11. Composition and Compensation.** (a) The Sangguniang Panlungsod, the
317 legislative body of the City, shall be composed of the City Vice-Mayor as the presiding officer,
318 ten (10) regular Sanggunian Members, the President of the City Chapter of the Liga ng mga
319 Barangay, the President of the Panlungsod na Pederasyon ng mga Sangguniang Kabataan and
320 the three (3) sectoral representatives from the following sectors, as members: one (1) from the
321 woman sector; and, as shall be determined by the Sangguniang Panlungsod within ninety (90)
322 days prior to the holding of the local elections, one (1) from the agricultural or industrial
323 workers sector; and one (1) from the other sectors, including the urban poor, indigenous
324 cultural communities, or persons with disabilities (PWDs).

325 The regular member shall be elected by district, with each district electing five (5) members of
326 the Sangguniang Panlungsod, as follows:

327 (1) The 1st district to be known as The District of Mainland Malay is composed of
328 the fourteen (14) barangays that are geographically located in Mainland Malay:

329 Barangay Caticlan, Sambiray, Argao, Napaan, Cogon, Cubay Norte, Cubay Sur,
330 Nabaoy, Motag, Balusbos, Poblacion, Dumlog, Kabulihan, and Naasug; and

331 (2) The 2nd district to be known as The District of Boracay Island is composed of
332 the three barangays in Boracay Island: Manocmanoc, Balabag, and Yapak.

333 (b) The regular members of the Sangguniang Panlungsod and the sectoral
334 representatives shall be elected in the manner as may be provided for by law.

335 (c) The members of the Sangguniang Panlungsod shall receive a minimum monthly
336 compensation corresponding to SG 25 as prescribed under the Compensation and
337 Position Classification Act of 1989, as amended, and the implementing guidelines
338 issued pursuant thereto.

339 **Section 12. Powers, Duties, and Functions.** - (a) The Sangguninang Panlungsod, as the
340 legislative body of the City, shall enact ordinances, approve resolutions and appropriate funds
341 for the general welfare of the City and its inhabitants pursuant to Section 16 of the Local
342 Government Code of 1991, as amended, and in the proper exercise of the corporate powers of
343 the City as provided under Section 22 of the Local Government Code of 1991, as amended,
344 and in the proper exercise of the corporate powers of the City as provided under Section 22 of
345 the Local Government Code of 1991, as amended, and shall:

346 (1) Approve ordinances and pass resolutions necessary for an efficient and effective
347 City Government, and relative hereto shall:

348 (i) Review all ordinances approved by the Sangguniang Barangay and executive
349 orders issued by the Punong Barangay to determine whether these are within
350 the scope of the prescribed powers of the Sangguniang Barangay and of the
351 Punong Barangay;

352 (ii) Maintain peace and order by enacting ordinances to prevent and suppress
353 lawlessness, disorder, riot, violence, rebellion, or sedition and impose penalties
354 for the violation of said ordinances;

355 (iii) Approve ordinances imposing a fine not exceeding Five thousand pesos
356 (P5,000) or an imprisonment for a period not exceeding one (1) year, or both at
357 the discretion of the court, for violation of a city ordinance;

358 (iv) Adopt measures to protect the inhabitants of the City from the harmful
359 effects of man-made or natural disasters and calamities, and to provide relief
360 services and assistance for victims during and in the aftermath of said disasters
361 or calamities and in their return to productive livelihood following said events;

362 (v) Enact ordinances intended to prevent, suppress and impose appropriate
363 penalties for habitual drunkenness in public places, mendicancy, prostitution,
364 establishment and maintenance of houses of ill-repute, gambling and other
365 prohibited games of chance, fraudulent devices and ways to obtain money or
366 property, drug addiction, maintenance of drug dens, drug pushing, juvenile
367 delinquency, the printing, distribution or exhibition of obscene or pornographic
368 materials or publications, and such other activities inimical to the welfare and
369 morals of the inhabitants of the City

370 (vi) Protect the environment and impose appropriate penalties for acts which
371 endanger the environment, such as dynamite fishing and other forms of
372 destructive fishing, illegal logging, smuggling of logs, smuggling of natural
373 resources products and of endangered species of flora and fauna, slash-and-burn
374 farming and such other activities which result in pollution or in the acceleration
375 of siltation of rivers and lakes, or in ecological imbalance;

376 (vii) Subject to the provisions of the Local Government Code of 1991, as
377 amended, and the pertinent laws, determine the powers and duties of officials
378 and employees of the City;

379 (viii) Consistent with the Compensation and Position Classification Act of
380 1989, as amended, determine the positions and the salaries, wages, allowances,
381 and other emoluments and benefits of officials and employees paid wholly or
382 mainly from city funds and provide for expenditures necessary for the proper
383 conduct of programs, projects, services, and activities of the City Government;

384 (ix) Authorize the payment of compensation to a qualified person, not in the
385 government service, who fills a temporary vacancy, or grant an honorarium to
386 any qualified official or employee designated to fill a temporary vacancy in a
387 concurrent capacity, at the rate authorized by law;

388 (x) Provide a mechanism and the appropriate funds therefor to ensure the safety
389 and protection of all City Government property, public documents, or records
390 such as those relating to property inventory, land ownership, record of births,
391 marriages, deaths, assessments, taxation, accounts, business permits and such
392 other records and documents of public interest in the offices and department of
393 the government;

394 (xi) When the finances of the City Government allow, provide for additional
395 allowances and other benefits to judges, prosecutors, public elementary and
396 high school teachers, and other National Government officials stationed in or
397 assigned to the City;

398 (xii) Provide legal assistance to barangay officials who, in the performance of
399 their official duties or on the occasion thereof, have to initiate judicial
400 proceedings or defend themselves against legal actions; and

401 (xiii) Provide for group insurance or additional insurance coverage for all
402 barangay officials, including members of barangay tanod brigades and other
403 service units, by public or private insurance companies, when the finances of
404 the City Government allow and coverage.

405 (2) Generate and maximize the use of resources and revenues for the development
406 plans, program objectives, and priorities of the City, as provided under the Local
407 Government Code of 1991, as amended, with particular attention to agro-industrial
408 development and city-wide growth and progress, and relative thereto, shall:

409 (i) Approve the annual and supplemental budgets of the City Government and
410 appropriate funds for specific programs, projects, services, and activities of the
411 City, or for other purposes not contrary to law, in order to promote the general
412 welfare of the City and its inhabitants;

413 (ii) Subject to the provisions of Book II of the Local Government Code of 1991,
414 as amended, and applicable laws, and upon the majority vote of all the members
415 of the Sangguniang Panlungsod, enact an ordinance levying taxes, fees, and
416 charges, prescribing the rates thereof for general and specific purposes, and
417 granting tax exemptions, incentives, or reliefs;

418 (iii) Subject to the provisions of Book II of the Local Government Code of 1991,
419 as amended, and upon the majority vote of all the members of the Sangguniang
420 Panlungsod, authorize the City Mayor to negotiate and contract loans and other
421 forms of indebtedness;

422 (iv) Subject to the provisions of Book II of the Local Government Code of 1991,
423 as amended, and applicable laws, and upon the majority vote of all the members
424 of the Sangguniang Panlungsod, enact ordinances authorizing the floating of
425 bonds or other instruments of indebtedness, for the purpose of raising funds to
426 finance development projects;

427 (v) Appropriate funds for the construction and maintenance of the rental of
428 buildings for the use of the City; and, upon the majority vote of all the members
429 of the Sangguniang Panlungsod authorized by the City Mayor to lease to private
430 parties such public buildings held in proprietary capacity, subject to existing
431 laws, rules, and regulations;

432 (vi) Prescribe reasonable limits and restraints on the use of property within the
433 jurisdiction of the City;

434 (vii) Adopt a comprehensive land use plan for the City: *Provided*, That the
435 formulation, adoption, or modification of said plan shall be in coordination with
436 the approved provincial comprehensive land use plan;

437 (viii) Reclassify lands within the jurisdiction of the City subject to the pertinent
438 provisions of the Local Government Code of 1991, as amended;

439 (ix) Enact an integrated zoning ordinance in consonance with the approved
440 comprehensive land use plan, subject to existing laws, rules, and regulations;
441 establish fire limits or zones, particularly in populous centers, and regulate the
442 construction, repair, or modification of buildings within said fire limits or zones
443 in accordance with the provisions of the Fire Code of the Philippines;

444 (x) Subject to national law, process and approve subdivision plans for
445 residential, commercial or industrial purposes and other development purposes,
446 and to collect processing fees and other charges, the proceeds of which shall

447 accrue entirely of the City: *Provided*, however, That where approval of a
448 national agency or office is required, said approval shall not be withheld for
449 more than thirty (30) days from receipt of the application. Failure to act on the
450 application within the period stated above shall be deemed as approval thereof;

451 (xi) With the concurrence of at least two-thirds (2/3) of all the members of the
452 Sangguniang Panlungsod, grant tax exemptions, incentives, or reliefs to entities
453 engaged in community growth-inducing industries, subject to the provisions of
454 the Local Government Code of 1991, as amended;

455 (xii) Grant loans or provide grants to other LGUs or to national, provincial, and
456 city charitable, benevolent, or educational institutions: *Provided*, That said
457 institutions are operated and maintained within the City;

458 (xiii) Implement a numbering system for residential, commercial, and other
459 buildings in the City; and

460 (xiv) Regulate the inspection, weighing, and measuring of articles of commerce.

461 (3) Subject to the provisions of the Local Government Code of 1991, as amended, enact
462 ordinances that grant franchises and authorize the issuance of permits or licenses, upon
463 conditions and for purposes that promote the general welfare of the inhabitants of the
464 City, and pursuant to this legislative authority, perform the following duties and
465 functions:

466 (i) Fix and impose reasonable fees and charges for all services rendered by the
467 City Government to private persons or entities;

468 (ii) Regulate or fix license fees for any business or practice of profession within
469 the City and the conditions under which the license for said business or practice
470 of profession may be revoked, and enact ordinances levying taxes thereon;

471 (iii) Provide for and set the terms and conditions under which public utilities
472 owned by the City shall be operated by the City Government, and prescribe the
473 conditions under which the same may be leased to private persons or entities,
474 preferably cooperatives;

475 (iv) Regulate the display of and fix the license fees for signs, signboards, or
476 billboards at the place or places where the profession or business advertised
477 thereby is, in whole or in part, conducted;

478 (v) Any law to the contrary notwithstanding, authorize and license the
479 establishment, operation, and maintenance of cockpits, and regulate
480 cockfighting and commercial breeding of gamecocks: *Provided*, That existing
481 rights should not be prejudiced;

482 (vi) Subject to the guidelines prescribed by the Department of Transportation
483 (DOTr), regulate the operation of tricycles and grant franchises for the operation
484 thereof within the territorial jurisdiction of the City; and

485 (vii) Upon approval by a majority vote of all the members of the Sangguniang
486 Panlungsod, grant a franchise to any person, partnership, corporation or
487 cooperative to do business within the City; establish, construct, operate and
488 maintain markets or slaughterhouses; or undertake such other activities within
489 the City as may be allowed by existing laws: *Provided*, That cooperatives shall
490 be given preference in the grant of such a franchise.

491 (4) Regulate activities relative to the use of land, buildings, and structures within the
492 City in order to promote the general welfare and for said purpose shall:

493 (i) Declare, prevent, or abate any nuisance;

494 (ii) Within the concurrence of the majority of the members of the Sangguniang
495 Panlungsod expressed during a meeting, deny the entry of legalized gambling
496 by ordinance into any part of the City;

497 (iii) Require that buildings and the premises thereof and any land within the City
498 be kept and maintained in a clean and sanitary condition; impose penalties for
499 any violation thereof; or upon failure to comply with said requirement, have the
500 work done at the expense of the owner, administrator or tenant concerned; or
501 require the filling of any land or premise to a grade necessary for proper
502 sanitation;

503 (iv) Regulate the disposal of clinical and other wastes from hospitals, clinics,
504 and other similar establishments;

505 (v) Regulate the establishment, operation, and maintenance of cafes,
506 restaurants, beerhouses, hotels, motels, inns, pension houses, lodging houses,
507 and other similar establishments, including tourist guides and transportation;

508 (vi) Regulate the sale, giving away, or dispensing of any intoxicating malt, wine,
509 or mixed or fermented liquors at any retail outlets;

510 (vii) Regulate the establishment and provide for the inspection of steam boilers
511 or any heating device in buildings and storage of inflammable and highly
512 combustible materials within the City;

513 (viii) Regulate the establishment, operation, and maintenance of any
514 entertainment or amusement facilities, including theaters, circuses, billiard
515 halls, public dancing schools, public dance halls, sauna baths, massage parlors,
516 and other places for entertainment or amusement; regulate such other events or
517 activities for amusement or entertainment, particularly those which tend to
518 disturb the community or annoy the inhabitants, or require the suspension or
519 suppression of the same; or prohibit certain forms of amusement or
520 entertainment in order to protect the social and moral welfare of the community;

521 (ix) Regulate the establishment, operation, and maintenance of funeral parlors
522 and the burial or cremation of the dead, subject to existing laws, rules, and
523 regulations; and

524 (x) Enforce impounding activities to contain stray animals; designate a pound
525 area; regulate the keeping of animals in homes or as a part of business, and the
526 slaughter, sale, or disposition of the same; and adopt measures to prevent and
527 penalize animal cruelty.

528 (5) Approve ordinances which shall ensure the efficient and effective delivery of the
529 basic services and facilities as provided under Section 17 of the Local Government
530 Code of 1991, as amended, and in addition to said services and facilities, shall:

531 (i) Provide for the establishment, maintenance, protection, and conservation of
532 communal forests and watersheds, tree parks, green belt lands, mangroves, and
533 other similar forest development projects;

534 (ii) Establish markets, slaughterhouses, or animal corrals and authorize the
535 operation thereof by the City Government; and regulate the construction and
536 operation of private markets, talipapa, or other similar buildings and structures;

537 (iii) Regulate the preparation and sale of meat, poultry, fish, vegetables, fruits,
538 fresh dairy products, and other foodstuffs for public consumption;

539 (iv) Regulate the use of streets, avenues, alleys, sidewalks, bridges, parks and
540 other public places and approve the construction, improvement, repair and
541 maintenance of the same; establish bus and vehicle stops and terminals or
542 regulate the use of the same by privately-owned vehicles which serve the public;
543 regulate garages and operation of conveyances for hire; designate stands to be
544 occupied by public vehicles when not in use; regulate the putting up of signs,
545 signposts, awnings and awning posts on the streets; and provide for the lighting,
546 cleaning and sprinkling of streets and public places;

547 (v) Regulate traffic on all streets and bridges; prohibit encroachments or
548 obstacles thereon and, when necessary in the interest of public welfare,
549 authorize the removal of encroachments and illegal constructions in public
550 places;

551 (vi) Subject to existing law, establish and provide for the maintenance, repair,
552 and operation of an efficient waterworks system to supply water for the City's
553 inhabitants and to purify the source of water supply; regulate the construction,
554 maintenance, repair and use of hydrants, pumps, cisterns and reservoirs; protect
555 the purity and quantity of the water supply of the City and, for this purpose,
556 extend the coverage of appropriate ordinances over all territories within the
557 drainage area of said water supply and within one hundred (100) meters of the
558 reservoir, canal, conduit, aqueduct, pumping station or watershed used in
559 connection with the water service; and regulate the consumption, use or wastage
560 of water and fix and collect charges therefor;

561 (vii) Regulate the drilling and excavation of the ground for the laying of water,
562 gas, sewer, and other pipes, telecommunication cable wires and the
563 construction, repair and maintenance of public drains, sewers, cesspools,
564 tunnels and similar structures; regulate the placing of poles and the use of cross
565 walks, curbs and gutters; adopt measures to ensure public safety against open
566 canals, manholes, live wires and other similar hazards to life and property; and
567 regulate the construction and use of private water closets, privies and other
568 similar structures in buildings and homes;

569 (viii) Regulate the placing, stringing, attaching, installing, repairing, and
570 construction of all gas mains, electric telegraph and telephone wires, conduits,
571 meters, and other apparatus; and provide for the correction, condemnation, or
572 removal of the same when found to be dangerous, defective, or otherwise
573 hazardous to the welfare of the inhabitants;

574 (ix) Subject to the availability of funds and to existing laws, rules and
575 regulations, establish and provide for the operation of vocational and technical
576 schools and similar post-secondary institutions and, with the approval of the
577 DepEd and Technical Education and Skills Development Authority (TESDA),
578 as the case may be, fix and collect reasonable tuition fees and other school
579 charges in educational institutions supported by the City Government;

580 (x) Establish a scholarship fund for poor but deserving students in schools
581 located within its jurisdiction or for students residing within the City;

582 (xi) Approve measures and adopt quarantine regulations to prevent the
583 introduction and spread of diseases;

584 (xii) Provide for an efficient and effective system of solid waste and garbage
585 collection and disposal; prohibit littering and the placing or throwing of
586 garbage, refuse, and other wastes;

587 (xiii) Provide for the care of PWDs, paupers, the elderly, the sick, persons of
588 unsound mind, abandoned minors, juvenile delinquents, drug dependents,
589 abused children and the youth below eighteen (18) years of age; and subject to

590 availability of funds, establish and provide for the operation of centers and
591 facilities for the said needy and disadvantaged persons;

592 (xiv) Establish and provide for the maintenance and improvement of jails and
593 detention centers, institute a sound jail management program, and appropriate
594 funds for the subsistence of detained and convicted prisoners in the City;

595 (xv) Establish a council which shall promote culture and the arts, coordinate
596 with government agencies and nongovernmental organizations, and, subject to
597 the availability of funds, appropriate funds for the support and development of
598 the same; and

599 (xvi) Establish a council for the elderly which shall formulate policies and adopt
600 measures mutually beneficial to the elderly and to the community; provide
601 incentives for nongovernmental agencies and entities, and, subject to the
602 availability of funds, appropriate funds to support programs and projects for the
603 benefit of the elderly.

604 (6) Perform other duties and functions, and exercise other powers as provided under the
605 Local Government Code of 1991, as amended, and those that are prescribed by law or
606 ordinance.

607 ARTICLE V

608 PROCESS OF LEGISLATION

609 **Section 13. Internal Rules of Procedure.** On the first regular session following the election
610 of its members and within ninety (90) days thereafter, the Sangguniang Panlungsod shall adopt
611 or update its existing rules and procedures.

612 The rules of procedure shall provide for the following:

613 (a) The organization of the Sanggunian and the election of its officers as well as the
614 creation of standing committees which shall include, but shall not be limited to, the
615 Committees on Appropriations, Revenues, Engineering and Public Works, Education,
616 Health, Women, Family, Human Rights, Youth and Sports Development,
617 Environmental Protection, Peace and Order and Traffic, and Cooperatives; the general

618 jurisdiction of each committee; and the election of the chairman and members of each
619 committee;

620 (b) The order and calendar of business for each session;

621 (c) The legislative process;

622 (d) The parliamentary procedures, which include the conduct of members during
623 sessions;

624 (e) The discipline of members for disorderly behavior and absences without justifiable
625 cause for four (4) consecutive sessions for which they may be censured, reprimanded
626 or excluded from the session, suspended for not more than sixty (60) days, or expelled:
627 provided, that the penalty of suspension or expulsion shall require the concurrence of
628 at least two-third (2/3) vote of the Sanggunian Members: provided, further, that a
629 member convicted by final judgment to imprisonment of at least one (1) year for any
630 crime involving moral turpitude shall be automatically expelled from the Sanggunian;
631 and

632 (f) Such other rules as the Sanggunian may adopt.

633 **Section 14. Full Disclosure of Financial and Business Interests of Sangguniang**
634 **Panlungsod Members.** – (a) Every Sangguniang Panlungsod Member shall, upon assumption
635 of office, make a full disclosure of his business and financial interests. He shall also disclose
636 any business, financial, professional relationship, or any relation by affinity or consanguinity
637 within the fourth civil degree, which he or she may have with any person, firm, or entity
638 affected by any ordinance or resolution under consideration by the Sanggunian of which he or
639 she is a member, which relationship may result in a conflict of interest. Such a relationship
640 shall include:

641 (1) Ownership of stock or capital, or investment in the entity or firm to which
642 the ordinance or resolution may apply; and

643 (2) Contracts or agreements with any person or entity that the ordinance or
644 resolution under consideration may affect.

645 In the absence of a specific constitutional or statutory provision applicable to this
646 situation, “conflict of interest” refers in general to one where it may be reasonably
647 deduced that a member of the Sanggunian may not act in the public interest due to some
648 private, pecuniary or other personal considerations that may tend to affect his judgment
649 to the prejudice of the service or the public.

650 (b) The disclosure required under this Act shall be made in writing and submitted to the
651 Secretary of the Sanggunian or the Secretary of the Committee of which he is a member.
652 The disclosure shall, in all cases, form part of the record of the proceedings and shall
653 be made in the following manner:

654 (1) Disclosure shall be made before the member participates in the deliberations
655 on the ordinance or resolution under consideration: provided, that if the member
656 did not participate during the deliberations, the disclosure shall be made before
657 voting on the ordinance or resolution on second and third readings; and

658 (2) Disclosure shall be made when a member takes a position or makes a
659 privileged speech on a matter that may affect the business interest, financial
660 connection, or professional relationship described herein.

661 **Section 15. Sessions.** – (a) On the first day of the session immediately following the election
662 of its members, the Sangguniang Panlungsod shall, by resolution, fix the day, time, and place
663 of its regular sessions. The minimum number of regular sessions shall be once a week for the
664 Sangguniang Panlungsod and twice a month for the Sangguniang Barangay.

665 (b) When public interest so demands, special sessions may be called by the City Mayor
666 or by a majority of the members of the Sanggunian.

667 (c) All Sanggunian sessions shall be open to the public unless a closed-door session is
668 ordered by an affirmative vote of a majority of the members present, there being a
669 quorum, in the public interest or for reasons of security, decency, or morality. No two
670 (2) sessions, regular or special, may be held in a single day.

671 (d) In the case of special sessions of the Sanggunian, a written notice to the members
672 shall be served personally at the member’s usual place of residence at least twenty-four
673 (24) hours before the special session is held.

674 Unless concurred in by a two-thirds (2/3) vote of the Sanggunian Members present,
675 there being a quorum, no other matters may be considered at a special session except
676 those stated in the notice.

677 (e) The Sanggunian shall keep a journal and record of its proceedings, which may be
678 published upon resolution of the Sangguniang Panlungsod.

679 **Section 16. Quorum.** – (a) A majority of all the members of the Sanggunian who have been
680 elected and qualified shall constitute a quorum to transact official business. Should a question
681 of quorum be raised during a session, the Presiding Officer shall immediately proceed to call
682 the roll of the members and thereafter announce the results.

683 (b) Where there is no quorum, the Presiding Officer may declare a recess until such
684 time as a quorum is constituted, or a majority of the members present may adjourn from
685 day to day and may compel the immediate attendance of any member absent without
686 justifiable cause by designating a member of the Sanggunian to be assisted by a member
687 or members of the police force assigned in the territorial jurisdiction of the City of
688 Malay Boracay, to arrest the absent member and present him at the session.

689 (c) If there is still no quorum despite the enforcement of the immediately preceding
690 subsection, no business shall be transacted. The Presiding Officer, upon proper motion
691 duly approved by the members present, shall then declare the session adjourned for lack
692 of quorum.

693 **Section 17. Approval of Ordinances.** – (a) Every ordinance enacted by the Sangguniang
694 Panlungsod shall be presented to the City Mayor. If the City Mayor approves the same, he shall
695 affix his signature on each and every page thereof; otherwise, he shall veto it and return the
696 same with his objections to the Sanggunian, which may proceed to reconsider the same. The
697 Sanggunian may override the veto of the City Mayor by a two-thirds (2/3) vote of all its
698 members, thereby making the ordinance or resolution effective for all legal intents and
699 purposes.

700 (b) The veto shall be communicated by the City Mayor to the Sanggunian within ten
701 (10) days; otherwise, the ordinance shall be deemed approved as if he had signed it.

702 **Section 18. Veto Power of the City Mayor.** – (a) The City Mayor may veto any ordinance of
703 the Sangguniang Panlungsod on the ground that it is ultra vires or prejudicial to the public
704 welfare, stating his reasons therefor in writing.

705 (b) The City Mayor shall have the power to veto any particular item or items of an
706 appropriations ordinance, an ordinance or resolution adopting a local development plan
707 and public investment program, or an ordinance directing the payment of money or
708 creating liability. In such a case, the veto shall not affect the item or items that are not
709 objected to. The vetoed item or items shall not take effect unless the Sangguniang
710 Panlungsod overrides the veto in the manner herein provided; otherwise, the item or
711 items in the appropriation ordinance of the previous year corresponding to those vetoed,
712 if any, shall be deemed reenacted.

713 (c) The City Mayor may veto an ordinance or resolution only once. The Sanggunian
714 may override the veto of the City Mayor by a two-thirds (2/3) vote of all its members,
715 thereby making the ordinance effective even without the approval of the City Mayor.

716 **Section 19. Review of Ordinances or Resolutions by the Sangguniang Panlalawigan.** – (a)
717 Within three (3) days after approval, the secretary to the Sangguniang Panlungsod or
718 Sangguniang Bayan shall forward to the Sangguniang Panlalawigan for review, copies of
719 approved ordinances and the resolutions approving the local development plans and public
720 investment programs formulated by the local development councils.

721 (b) Within thirty (30) days after receipt of copies of such ordinances and resolutions,
722 the Sangguniang Panlalawigan shall examine the documents or transmit them to the
723 provincial attorney, or if there be none, to the provincial prosecutor for prompt
724 examination. The provincial attorney or provincial prosecutor shall, within a period of
725 ten (10) days from receipt of the documents, inform the Sangguniang Panlalawigan in
726 writing of his comments or recommendations, which may be considered by the
727 Sangguniang Panlalawigan in making its decision.

728 (c) If the Sangguniang Panlalawigan finds that such an ordinance or resolution is
729 beyond the power conferred upon the Sangguniang Panlungsod or Sangguniang Bayan
730 concerned, it shall declare such ordinance or resolution invalid in whole or in part. The
731 Sangguniang Panlalawigan shall enter its action in the minutes and shall advise the
732 corresponding city or municipal authorities of the action it has taken.

733 (d) If no action has been taken by the Sangguniang Panlalawigan within thirty (30) days
734 after submission of such an ordinance or resolution, the same shall be presumed
735 consistent with law and therefore valid.

736 **Section 20. Review of Barangay Ordinances by Sangguniang Panlungsod.** – (a) Within ten
737 (10) days after enactment, the Sangguniang Barangay shall furnish copies of all barangay
738 ordinances to the Sangguniang Panlungsod for review as to whether the ordinances are
739 consistent with law and city ordinances.

740 (b) If the Sangguniang Panlungsod fails to take action on barangay ordinances within
741 thirty (30) days from receipt thereof, the same shall be deemed approved.

742 (c) If the Sangguniang Panlungsod finds the barangay ordinances inconsistent with law
743 or city ordinances, the Sangguniang Panlungsod shall, within thirty (30) days from
744 receipt thereof, return the same with its comments and recommendations to the
745 Sangguniang Barangay concerned for adjustment, amendment or modification; in
746 which case, the effectivity of the barangay ordinance is suspended until such time as
747 the revision called for is effected.

748 **Section 21. Enforcement of Disapproved Ordinances or Resolutions.** Any attempt to
749 enforce any ordinance or any resolution approving the Local Development Plan and Public
750 Investment Program after the disapproval thereof shall be sufficient ground for the suspension
751 or dismissal of the official or employee concerned.

752 **Section 22. Effectivity of Ordinances or Resolutions.** – (a) Unless otherwise stated in the
753 ordinance or the resolution approving the Local Development Plan and Public Investment
754 Program, the same shall take effect after ten (10) days from the date a copy thereof is posted in
755 a bulletin board at the entrance of the city hall of Malay Boracay, and in at least two (2) other
756 conspicuous places in the City of Malay Boracay not later than five (5) days after approval
757 thereof.

758 (b) The Secretary of the Sangguniang Panlungsod shall cause the posting of an
759 ordinance or resolution in the bulletin board at the entrance of the City Hall of Malay
760 Boracay, and in at least two (2) conspicuous places in the City of Malay Boracay not
761 later than five (5) days after approval thereof.

762 The text of the ordinance or resolution shall be disseminated and posted in Filipino or
763 English, and the Secretary of the Sangguniang Panlungsod shall record such fact in a
764 book kept for the purpose, stating the date of approval and posting.

765 (c) The gist of all ordinances with penal sanctions shall be posted at prominent places
766 in the City Hall, for a minimum period of three (3) consecutive weeks. Such ordinances
767 shall also be published in a newspaper of general circulation within the City and on the
768 City's official website.

769 ARTICLE VI

770 DISQUALIFICATION AND SUCCESSION OF ELECTIVE CITY OFFICIALS

771 **Section 23. Disqualifications of Elective Public City Officials.** The following persons are
772 disqualified from running for any elective position in the city:

773 (a) Those sentenced by final judgment for an offense involving moral turpitude or for
774 an offense punishable by one (1) year or more of imprisonment, within two (2) years
775 after serving the sentence;

776 (b) Those removed from office as a result of an administrative case;

777 (c) Those convicted by final judgment for violating the oath of allegiance to the
778 Republic of the Philippines;

779 (d) Those with dual citizenship;

780 (e) Fugitives from justice in criminal or nonpolitical cases here and abroad;

781 (f) Permanent residents in a foreign country or those who have acquired the right to
782 reside abroad and continue to avail of the same right after the effectivity of the Local
783 Government Code; and

784 (g) The insane or feeble-minded.

785 **Section 24. Permanent Vacancy in the Office of the City Mayor and City Vice Mayor.** If
786 a permanent vacancy occurs in the office of the City Mayor, the City Vice Mayor concerned
787 shall become the City Mayor. If a permanent vacancy occurs in the Offices of the Mayor or the
788 City Vice Mayor, the highest ranking Sangguniang Panlungsod Member or, in case of his

789 permanent incapacity, the second highest Sangguniang Panlungsod Member shall become the
790 City Mayor or City Vice Mayor, as the case may be. Subsequent vacancies in said offices shall
791 be filled automatically by the other Sanggunian Members according to their ranking as defined
792 under the Local Government Code of 1991, as amended.

793 For purposes of this act, a permanent vacancy arises when an elective local official fills a higher
794 vacant office, refuses to assume office, fails to qualify, dies, is removed from office, voluntarily
795 resigns, or is otherwise permanently incapacitated to discharge the functions of the office.

796 For purposes of succession as provided in this Act, ranking in the Sanggunian shall be
797 determined on the basis of the proportion of votes obtained by each winning candidate to the
798 total number of registered voters in the city in the immediately preceding local election.

799 **Section 25. Permanent Vacancies in the Sangguniang Panlungsod.** – (a) Permanent
800 vacancies in the Sangguniang Panlungsod where automatic succession as provided above does
801 not apply shall be filled by appointment in the following manner:

802 (1) The Provincial Governor shall make the aforesaid appointment;

803 (2) Only the nominee of the political party under which the Sanggunian Member
804 concerned had been elected shall be appointed in the manner herein provided. The
805 appointee shall come from the same political party as that of the Sanggunian Member
806 who caused the vacancy and shall serve the unexpired term of the vacant office. In the
807 appointment herein mentioned, a nomination and a certificate of membership of the
808 appointee from the highest official of the political party concerned are conditions sine
809 qua non, and any appointment without such nomination and certification shall be null
810 and void ab initio and shall be a ground for administrative action against the official
811 responsible therefor;

812 (3) In case the permanent vacancy is caused by a Sanggunian Member who does not
813 belong to any political party, the City Mayor shall, upon recommendation of the
814 Sangguniang Panlungsod, appoint a qualified person to fill the vacancy; and

815 (4) In case of vacancy in the representation of the youth and the barangay in the
816 Sangguniang Panlungsod, said vacancy shall be filled automatically by the official next
817 in rank of the organization concerned.

818 **Section 26. Temporary Vacancy in the Office of the City Mayor.** - (a) When the City Mayor
819 is temporarily incapacitated to perform his duties for physical or legal reasons such as, but not
820 limited to, leave of absence, travel abroad, and suspension from office, the City Vice Mayor,
821 or the highest ranking Sangguniang Panlungsod Member shall automatically exercise the
822 powers and perform the duties and functions of the city mayor, except the power to appoint,
823 suspend or dismiss employees which can only be exercised if the period of temporary
824 incapacity exceeds thirty (30) working days;

825 (b) Said temporary incapacity shall terminate upon submission to the Sangguniang
826 Panlungsod of a written declaration by the City Mayor that he has reported back to
827 office. In cases where the temporary incapacity is due to legal causes, the City Mayor
828 shall also submit necessary documents showing that said legal causes no longer exist.

829 (c) When the City Mayor is travelling within the country but outside his territorial
830 jurisdiction for a period not exceeding three (3) consecutive days, he may designate in
831 writing the officer-in-charge of his office. Such authorization shall specify the powers
832 and functions that the local official concerned shall exercise in the absence of the City
833 Mayor, except the power to appoint, suspend, or dismiss employees.

834 (d) In the event, however, that the City Mayor fails or refuses to issue such
835 authorization, the City Vice Mayor, or the highest ranking Sangguniang Panlungsod
836 Member, as the case may be, shall have the right to assume the powers, duties and
837 functions of the said office on the fourth day of absence of the City Mayor, subject to
838 the limitations provided in subsection (c) hereof; and

839 (e) Except as provided above, the City Mayor shall in no case authorize any local
840 official to assume the powers, duties, and functions of the office, other than the City
841 Vice Mayor, or the highest ranking Member of the Sangguniang Panlungsod, as the
842 case may be.

843 **ARTICLE VII**
844 **THE APPOINTIVE OFFICIALS OF THE CITY:**
845 **QUALIFICATIONS, POWERS, AND DUTIES**

846 **Section 27. The Secretary of the Sangguniang Panlungsod.** – (a) There shall be a Secretary
847 to the Sangguniang Panlungsod who shall be a career official with the rank and salary equal to
848 a head of department or office and who shall be appointed by the City Vice Mayor.

849 (b) No person shall be appointed Secretary to the Sangguniang Panlungsod unless he is
850 a citizen of the Philippines, a resident of the City of Malay Boracay, of good moral
851 character, a holder of a college degree preferably in Law, Commerce, or Public
852 Administration from a recognized college or university, and a second-level civil service
853 eligible or its equivalent.

854 (c) The Secretary to the Sangguniang Panlungsod shall take charge of the office of the
855 Secretary to the Sangguniang Panlungsod and shall:

856 (1) Attend meetings of the Sangguniang Panlungsod and keep a journal of its
857 proceedings;

858 (2) Keep the seal of the city and affix the same with his signature to all
859 ordinances, resolutions, and other official acts of the Sangguniang Panlungsod
860 and present the same to the Presiding Officer for his signature;

861 (3) Forward to the City Mayor, for approval, copies of ordinances enacted by
862 the Sangguniang Panlungsod duly certified by the Presiding Officer, in the
863 manner provided in Section 54 of the Local Government Code of 1991, as
864 amended;

865 (4) Forward to the Sangguniang Panlalawigan of Aklan copies of duly approved
866 ordinances, in the manner provided in Sections 56 and 57 of the Local
867 Government Code of 1991, as amended;

868 (5) Furnish, upon request of any interested party, certified copies of records of
869 public character in his custody, upon payment to the city treasurer of such fees
870 as may be prescribed by ordinance;

871 (6) Record in a book kept for the purpose, all ordinances and resolutions enacted
872 or adopted by the Sangguniang Panlungsod, with the dates of passage and
873 publication thereof;

874 (7) Keep his office and all non-confidential records therein open to the public
875 during the usual business hours;

876 (8) Translate into the dialect used by the majority of the inhabitants all
877 ordinances and resolutions immediately after their approval and cause the
878 publication of the same together with the original version in the manner
879 provided under the Local Government Code of 1991, as amended;

880 (9) Take custody of the local archives and, where applicable, the local library
881 and annually account for the same; and

882 (10) Perform such other duties and functions and exercise such other powers as
883 provided for under the Local Government Code of 1991, as amended, and those
884 that are prescribed by law or ordinance.

885 **Section 28. The City Administrator.** – (a) The City Administrator must be a citizen of the
886 Philippines, a resident of the City of Malay Boracay, of good moral character, a holder of a
887 college degree preferably in Public Administration, Law, or any other related courses from a
888 recognized college or university, and a second-level civil service eligible or its equivalent. He
889 must have acquired experience in management and administration work for at least five (5)
890 years immediately preceding the date of his appointment.

891 (b) The term of the City Administrator is coterminous with that of the appointing
892 authority.

893 (c) The City Administrator shall take charge of the Office of the City Administrator,
894 and shall:

895 (1) Develop plans and strategies and, upon approval thereof by the City Mayor,
896 implement the same, particularly those which have to do with the management
897 of administration-related programs and projects which the City Mayor is
898 empowered to implement and which the Sangguniang Panlungsod is
899 empowered to provide under the Local Government Code of 1991, as amended;

900

901 (2) Assist in the coordination of the work of all the officials of the City under
902 the supervision, direction, and control of the City Mayor, and for this purpose,
903 may convene the chiefs of offices and other officials of the LGU;

904

905 (3) Establish and maintain a sound human resource development program
906 designed to promote career development and uphold the merit principle in the
907 local government service;

908

909 (4) Conduct a continuing organizational development program with the end in
910 view of instituting effective administrative reforms;

911

912 (5) Be in the frontline of the delivery of administrative support services,
913 particularly those related to the situations during and in the aftermath of man-
914 made and natural disasters and calamities;

915

916 (6) Recommend to the Sangguniang Panlungsod and advise the City Mayor on
917 all matters relative to the management and administration of the city; and

918

919 (7) Perform such other duties and functions and exercise such other powers as
920 provided for under the Local Government Code of 1991, as amended, and those
921 that are prescribed by law or ordinance.

922 **Section 29. The City Treasurer.** – (a) The City Treasurer shall be appointed by the Secretary
923 of Finance from a list of at least three (3) ranking eligible recommended by the City Mayor,
924 subject to Civil Service Law, rules, and regulations.

925 (b) The City Treasurer shall be under the administrative supervision of the City Mayor,
926 to whom he shall report regularly on the tax collection efforts of the city.

927 (c) No person shall be appointed Treasurer unless he is a citizen of the Philippines, a
928 resident of the City of Malay Boracay, of good moral character, a holder of a college
929 degree preferably in Commerce, Public Administration or Law from a recognized
930 college or university, a basic competency on local treasury examination passer and a
931 second level civil service eligible or its equivalent. He must have acquired experience
932 in treasury or accounting service for at least five (5) years.

933 (d) The City Treasurer shall receive such compensation, emoluments, and allowances
934 as may be determined by law.

935 (e) The City Treasurer shall take charge of the City Treasurer's Office, and shall:

936 (1) Advise the City Mayor, the Sangguniang Panlungsod, and other local
937 government and national officials concerned regarding the disposition of local
938 government funds and on such other matters relative to public finance;

939 (2) Take custody and exercise proper management of the funds of the city;

940 (3) Take charge of the disbursement of all funds of the city and such other funds
941 the custody of which may be entrusted to him by law or other competent
942 authority;

943 (4) Inspect private commercial and industrial establishments within the
944 jurisdiction of the city in relation to the implementation of tax ordinance
945 pursuant to the provisions of the Local Government Code of 1991, as amended;

946 (5) Maintain and update the tax information system of the city; and

947 (6) Perform such other duties and functions and exercise such other powers as
948 provided for under the Local Government Code of 1991, as amended, and those
949 that are prescribed by law or ordinance.

950 **Section 30. The Assistant City Treasurer.** – (a) The Assistant City Treasurer may be
951 appointed by the Secretary of Finance from a list of at least three (3) ranking eligible
952 recommended by the City Mayor, subject to Civil Service Law, rules, and regulations.

953 (b) No person shall be appointed Assistant City Treasurer unless he is a citizen of the
954 Philippines, a resident of the City of Malay Boracay, of good moral character, a holder
955 of a college degree preferably in Commerce, Public Administration or Law from a
956 recognized college or university, a basic competency on local treasury examination
957 passer, and a second level civil service eligible or its equivalent. He must have acquired
958 at least five (5) years of experience in Treasury or Accounting.

959 (c) The Assistant City Treasurer shall assist the City Treasurer and perform such duties
960 as may be assigned by the latter.

961 (d) The Assistant City Treasurer shall have authority to administer oaths concerning
962 notices and notifications to those delinquent in the payment of the real property tax and
963 concerning official matters relating to the accounts of the City Treasurer or otherwise
964 arising in the office of the City Treasurer and the City Assessor.

965 (e) The Assistant City Treasurer shall receive such compensation, emoluments, and
966 allowances as may be determined by law.

967 **Section 31. The City Assessor.** – (a) The City Assessor must be a citizen of the Philippines,
968 a resident of the City of Malay Boracay, of good moral character, a holder of a college degree
969 preferably in Civil Engineering, Commerce, or any other related course from a recognized
970 college or university, and a licensed Real Estate Appraiser. He must have acquired experience
971 in real property assessment work or in any related field for at least five (5) years immediately
972 preceding the day of his appointment.

973 (b) The City Assessor shall receive such compensation, emoluments, and allowances
974 as may be determined by law.

975 (c) The City Assessor shall take charge of the City Property Valuation and Assessment
976 Department, and shall:

977 (1) Ensure that all laws and policies governing the appraisal and assessment of
978 real properties for taxation purposes are properly executed;

979 (2) Initiate, review, and recommend changes in policies and objectives, plans
980 and programs, techniques, procedures, and practices in the valuation and
981 assessment of real properties for taxation purposes;

982 (3) Establish a systematic method of real property assessment;

983 (4) Install and maintain a real property identification and accounting system;

984 (5) Prepare, install, and maintain a system of tax mapping, showing graphically
985 all properties subject to assessment and gather all data concerning the same;

986 (6) Conduct frequent physical surveys to verify and determine whether all real
987 properties within the city are properly listed in the assessment rolls;

988 (7) Exercise the functions of appraisal and assessment primarily for taxation
989 purposes of all real properties in the City;

- 990 (8) Prepare a schedule of the fair market value of the different classes of real
991 properties in accordance with the provisions of the Local Government Code of
992 1991, as amended;
- 993 (9) Issue, upon request of any interested party, certified copies of assessment
994 records of real property and all other records relative to its assessment, upon
995 payment of a service charge or fee to the City Treasurer;
- 996 (10) Submit every semester a report of all assessments, as well as cancellations
997 and modifications of assessments, to the City Mayor and the Sangguniang
998 Panlungsod;
- 999 (11) Attend personally or through an authorized representative all sessions of
1000 the Local Board of Assessment Appeals whenever an assessment is the subject
1001 of an appeal, and present or submit any information or record in the possession
1002 of the City Property Valuation and Assessment Department as may be required
1003 by the Board; and
- 1004 (12) Perform such other duties and functions and exercise such other powers as
1005 provided under the Local Government Code of 1991, as amended, and those
1006 that are prescribed by law or ordinance.

1007 **Section 32. The Assistant City Assessor.** – (a) The Assistant City Assessor must be a citizen
1008 of the Philippines, a resident of the City of Malay Boracay, of good moral character, a holder
1009 of a college degree preferably in Civil Engineering, Commerce, or any related course from a
1010 recognized college or university, and a licensed Real Estate Appraiser. He must have acquired
1011 experience in assessment work or in any related field for at least three (3) years immediately
1012 preceding the date of his appointment.

1013 (b) The Assistant City Assessor shall assist the City Assessor and perform such other
1014 duties as the latter may assign to him.

1015 (c) The Assistant City Assessor shall have the authority to administer oaths on all
1016 declarations of real property for purposes of assessment.

1017 (d) The Assistant City Assessor shall receive such compensation, emoluments, and
1018 allowances as may be determined by law.

1019 **Section 33. The City Accountant.** – (a) The City Accountant must be a citizen of the
1020 Philippines, a resident of the City of Malay Boracay, of good moral character, and a Certified

1021 Public Accountant. He must have acquired experience in the Treasury or Accounting service
1022 for at least five (5) years immediately preceding the date of his appointment.

1023 (b) The City Accountant shall receive such compensation, emoluments, and allowances
1024 as may be determined by law.

1025 (c) The City Accountant shall take charge of the accounting and internal audit services
1026 of the city, and shall:

1027 (1) Install and maintain an internal audit system in the city.

1028 (2) Prepare and submit financial statements to the City Mayor and to the
1029 Sangguniang Panlungsod;

1030 (3) Apprise the Sangguniang Panlungsod and other officials on the financial
1031 condition and operations of the City;

1032 (4) Certify to the availability of budgetary allotment, of which expenditures and
1033 obligations may be properly charged;

1034 (5) Review supporting documents before preparation of vouchers to determine
1035 completeness of requirements;

1036 (6) Prepare statements of cash advances, liquidation, salaries, allowances,
1037 reimbursements, and remittances pertaining to the city;

1038 (7) Prepare statements of journal vouchers and liquidation of the same and other
1039 adjustments related thereto;

1040 (8) Post individual disbursement to the subsidiary ledgers and other appropriate
1041 record-keeping instruments;

1042 (9) Maintain individual ledgers for officials and employees of the city pertaining to
1043 payroll and deductions;

1044 (10) Record and post details of purchased furniture, fixtures, and equipment,
1045 including disposal thereof, if any;

1046 (11) Account for all issued requests for obligations and maintain and keep all
1047 records and reports related thereto;

1048 (12) Prepare journals and the analysis of obligations and maintain and keep all
1049 records and reports related thereto; and

1050 (13) Perform such other duties and functions and exercise such other powers as
1051 provided under the Local Government Code of 1991, as amended, and those that
1052 are prescribed by law or ordinance.

1053 **Section 34. The City Budget Officer.** – (a) The City Budget Officer must be a citizen of the
1054 Philippines, a resident of the City of Malay Boracay, of good moral character, a holder of a
1055 college degree preferably in Accounting, Economics, Public Administration, or any related
1056 course from a recognized college or university, and a second-level civil service eligible or its
1057 equivalent. He must have acquired experience in government budgeting or in any related field
1058 for at least five (5) years immediately preceding the date of his appointment.

1059 (b) The City Budget Officer shall receive such compensation, emoluments, and
1060 allowances as may be determined by law.

1061 (c) The City Budget Officer shall take charge of the City Budget Department, and shall:

1062 (1) Prepare forms, orders, and circulars embodying instructions on budgetary
1063 and appropriation matters for the signature of the City Mayor;

1064 (2) Review and consolidate the budget proposals of different departments and
1065 offices of the city;

1066 (3) Assist the City Mayor in the preparation of the annual budget and in
1067 presenting the same during the budget hearings;

1068 (4) Study and evaluate budgetary implications of proposed legislation and
1069 submit comments and recommendations thereon;

1070 (5) Submit periodic budgetary reports to the Department of Budget and
1071 Management (DBM);

1072 (6) Coordinate with the City Treasurer, the City Accountant, and the City
1073 Planning and Development Officer for the purpose of budgeting;

1074 (7) Assist the Sangguniang Panlungsod in reviewing the approved budgets of
1075 the component barangays;

1076 (8) Coordinate with the City Planning and Development Officer in the
1077 formulation of the development plan of the city; and

1078 (9) Perform such other duties and functions and exercise such other powers as
1079 provided under the Local Government Code of 1991, as amended, and those
1080 that are prescribed by law or ordinance.

1081 **Section 35. The City Planning and Development Officer.** – (a) The City Planning and
1082 Development Officer must be a citizen of the Philippines, a resident of the City of Malay
1083 Boracay, of good moral character, a holder of a college degree preferably in Urban Planning,
1084 Development Studies, Economics, Public Administration, or any related courses from a
1085 recognized college or university, and a licensed Environmental Planner. He must have acquired
1086 experience in development planning or in any related field for at least five (5) years
1087 immediately preceding the date of his appointment.

1088 (b) The City Planning and Development Officer shall receive such compensation,
1089 emoluments, and allowances as may be determined by law.

1090 (c) The City Planning and Development Officer shall take charge of the City Planning
1091 and Development Department, and shall:

1092 (1) Formulate integrated economic, social, physical, and other development
1093 plans and policies for consideration of the city;

1094 (2) Conduct continuing studies, research, and training programs necessary to
1095 evolve plans and programs for implementation;

1096 (3) Integrate and coordinate all sectoral plans and studies undertaken by the
1097 different functional groups or agencies;

1098 (4) Monitor and evaluate the implementation of the different development
1099 programs, projects, and activities in the city in accordance with the approved
1100 development plan;

1101 (5) Prepare comprehensive plans and other development planning documents
1102 for the consideration of the local development council;

1103 (6) Analyze the income and expenditure patterns, and formulate and
1104 recommend fiscal plans and policies for consideration of the Finance
1105 Committee of the Sangguniang Panlungsod as provided under the Local
1106 Government Code of 1991, as amended.

1107 (7) Promote people's participation in development planning within the City;

1108 (8) Exercise supervision and control over the secretariat of the Local
1109 Development Council; and

1110 (9) Perform such other duties and functions and exercise such other powers as
1111 provided under the Local Government Code of 1991, as amended, and those
1112 that are prescribed by law or ordinance.

1113 **Section 36. The City Engineer.** – (a) The City Engineer must be a citizen of the Philippines,
1114 a resident of the City of Malay Boracay, of good moral character, and a licensed Civil Engineer.
1115 He must have acquired experience in the practice of his profession for at least five (5) years
1116 immediately preceding the date of his appointment.

1117 (b) The City Engineer shall receive such compensation, emoluments, and allowances
1118 as may be determined by law.

1119 (c) The City Engineer shall take charge of the City Engineering Public Works
1120 Department, and shall:

1121 (1) Initiate, review, and recommend changes in policies and objectives, plans
1122 and programs, techniques, procedures, and practices in infrastructure
1123 development and public works in general of the city;

1124 (2) Advise the City Mayor on infrastructure, public works, and other
1125 engineering matters;

1126 (3) Administer, coordinate, supervise, and control the construction,
1127 maintenance, improvement, and repair of roads, bridges, and other engineering
1128 and public works projects of the city;

1129 (4) Provide engineering services to the city, including investigation and survey,
1130 engineering designs, feasibility studies, and project management; and

1131 (5) Perform such other duties and functions and exercise such other powers as
1132 provided under the Local Government Code of 1991, as amended, and those
1133 that are prescribed by law or ordinance.

1134 **Section 37. The City Health Officer.** – (a) The City Health Officer must be a citizen of the
1135 Philippines, a resident of the City of Malay Boracay, of good moral character, and a licensed
1136 medical practitioner. He must have acquired experience in the practice of his profession for at
1137 least five (5) years immediately preceding the date of his appointment.

1138 (b) The City Health Officer shall receive such compensation, emoluments, and
1139 allowances as may be determined by law.

1140 (c) The City Health Officer shall take charge of the City Health and Sanitation
1141 Department, and shall:

1142 (1) Supervise the personnel and staff of said office, formulate program
1143 implementation guidelines and rules and regulations for the operation of the said
1144 office for the approval of the City Mayor in order to assist him in the efficient,
1145 effective, and economical implementation of a health services program geared
1146 to the implementation of health-related projects and activities;

1147 (2) Formulate measures for the consideration of the Sangguniang Panlungsod
1148 and provide technical assistance and support to the City Mayor in carrying out
1149 activities to ensure the delivery of basic services and provision of adequate
1150 facilities relative to health services provided under Section 17 of the Local
1151 Government Code of 1991, as amended;

1152 (3) Develop plans and strategies and, upon approval thereof by the City Mayor,
1153 implement the same, particularly those which have to do with health programs
1154 and projects which the City Mayor is empowered to implement and which the

1155 Sangguniang Panlungsod is empowered to provide under the Local Government
1156 Code of 1991, as amended;

1157 (4) Coordinate with national, regional, and provincial health officials and with
1158 other agencies of the government in the implementation of mitigation policies
1159 and other measures during public health emergencies;

1160 (5) Supervise the delivery of basic health service, all city health centers,
1161 hospitals, and clinics in accordance with city and national health policies and
1162 programs such as those on dental health, maternal health, family planning,
1163 nutrition, immunization, and environmental safety and sanitation;

1164 (6) In addition to the foregoing duties and functions, the City Health Officer
1165 shall:

1166 (i) Formulate and implement policies, plans, and projects to promote the
1167 health of the people in the City;

1168 (ii) Advise the City Mayor and the Sangguniang Panlungsod on matters
1169 pertaining to health;

1170 (iii) Execute and enforce all laws, ordinances, and regulations relating
1171 to public health;

1172 (iv) Recommend to the Sangguniang Panlungsod, through the Local
1173 Health Board, the passage of such ordinances necessary for the
1174 preservation of public health;

1175 (v) Recommend the prosecution of any violation of sanitary laws,
1176 ordinances, or regulations;

1177 (vi) Direct the sanitary inspection of all business establishments selling
1178 food items or providing lodging accommodations such as hotels, motels,
1179 lodging houses, and pension houses, in accordance with the Sanitation
1180 Code;

1181 (vii) Conduct health information campaigns and render health
1182 intelligence services; and

1183 (viii) Coordinate with other government agencies and nongovernmental
1184 organizations involved in the promotion and delivery of health services;

1185 (7) Be in the frontline of the delivery of health services, particularly during and
1186 in the aftermath of man-made and natural disasters and calamities; and

1187 (8) Perform such other duties and functions and exercise such other powers as
1188 provided under the Local Government Code of 1991, as amended, and those
1189 that are prescribed by law or ordinance.

1190 **Section 38. The Assistant City Health Officers.** - (a) The two (2) Assistant City Health
1191 Officers, one (1) assigned to the District of Mainland Malay and one (1) assigned to the District
1192 of Boracay Island, must be citizens of the Philippines, residents of the City of Malay Boracay,
1193 of good moral character, duly licensed medical practitioners, and must have engaged in the
1194 practice of medicine for at least three (3) years.

1195 (b) The Assistant City Health Officers shall assist the City Health Officer and perform
1196 such other duties as may be assigned by the latter.

1197 (c) The Assistant City Health Officers shall receive such compensation, emoluments,
1198 and allowances as may be determined by law.

1199 **Section 39. The City Civil Registrar.** – (a) The City Civil Registrar must be a citizen of the
1200 Philippines, a resident of the City of Malay Boracay, of good moral character, a holder of a
1201 college degree from a recognized college or university, a first-grade civil service eligible or its
1202 equivalent, and must have acquired at least five (5) years of experience in civil registry work.

1203 (b) The City Civil Registrar shall receive such compensation, emoluments, and
1204 allowances as may be determined by law.

1205 (c) The City Civil Registrar shall be responsible for the civil registration program in the
1206 City of Malay Boracay, pursuant to the Civil Registry Law, the Civil Code, and other
1207 pertinent laws, rules, and regulations issued to implement them.

1208 (d) The City Civil Registrar shall take charge of the City Civil Registry Department,
1209 and shall:

1210 (1) Develop plans and strategies and, upon approval thereof by the City Mayor,
1211 implement the same, particularly those which have to do with the management
1212 and administration-related programs and projects which the City Mayor is
1213 empowered to implement and which the Sangguniang Panlungsod is
1214 empowered to provide under the Local Government Code of 1991, as amended;

1215 (2) In addition to the foregoing duties and functions, the City Civil Registrar
1216 shall:

1217 (i) Accept all registrable documents and judicial decrees affecting the
1218 civil status of persons;

1219 (ii) File, keep, and preserve in a secure place the books required by law;

1220 (iii) Transcribe and enter immediately upon receipt all registrable
1221 documents and judicial decrees affecting the civil status of persons in
1222 the appropriate civil registry books;

1223 (iv) Transmit to the Office of the Civil Registrar-General within the
1224 prescribed period, duplicate copies of registered documents required by
1225 law;

1226 (v) Issue certified transcripts or copies of any certificate or registered
1227 documents upon payment of the required fees to the city treasurer;

1228 (vi) Receive applications for the issuance of a marriage license and, after
1229 determining that the requirements and supporting certificates and
1230 publication thereof for the prescribed period have been complied with,
1231 issue the license upon payment of the authorized fee to the City
1232 Treasurer; and

1233 (vii) Coordinate with the Philippine Statistics Authority (PSA) in
1234 conducting educational campaigns for vital registration and assist in the
1235 preparation of demographic data and other statistics for the City of
1236 Malay Boracay; and

1237 (3) Perform such other duties and functions and exercise such other powers as
1238 provided under the Local Government Code of 1991, as amended, and those
1239 that are prescribed by law or ordinance.

1240 **Section 40. The Assistant City Civil Registrar.** - (a) The Assistant City Civil Registrar must
1241 be a citizen of the Philippines, a resident of the City of Malay Boracay, of good moral character,
1242 a holder of bachelor's degree from a recognized college or university, a first grade civil service
1243 eligible, and must have acquired at least three (3) years experience in civil registry work or any
1244 related field.

1245 (b) The Assistant City Civil Registrar shall assist the City Civil Registrar and perform
1246 such other duties as may be assigned by the latter.

1247 (c) The Assistant City Civil Registrar shall receive such compensation, emoluments,
1248 and allowances as may be determined by law.

1249 **Section 41. The City Legal Officer.** – (a) The City Legal Officer must be a citizen of the
1250 Philippines, a resident of the City of Malay Boracay, of good moral character, and a member
1251 of the Philippine Bar. He must have practiced his profession for at least five (5) years
1252 immediately preceding the date of his appointment.

1253 (b) The term of the City Legal Officer shall be coterminous with that of the appointing
1254 authority.

1255 (c) The City Legal Officer shall receive such compensation, emoluments, and
1256 allowances as may be determined by law.

1257 (d) The City Legal Officer, as chief legal counsel of the City, shall take charge of the
1258 City Legal Department, and shall:

1259 (1) Formulate measures and ordinances for the consideration of the
1260 Sangguniang Panlungsod and provide legal assistance and support to the City
1261 Mayor in carrying out the delivery of basic services and provisions of adequate
1262 facilities;

1263 (2) Develop plans and strategies and, upon approval thereof by the city mayor,
1264 implement the same, particularly those which have to do with programs and

1265 projects related to legal services which the city mayor is empowered to
1266 implement and which the Sangguniang Panlungsod is empowered to provide;

1267 (3) Represent the City in all civil actions and special proceedings wherein the
1268 City or any official thereof, in his official capacity, is a party: Provided, That,
1269 in actions or proceedings where a component city or municipality is a party
1270 adverse to the provincial government or to another component city or
1271 municipality, a special legal officer may be employed to represent the adverse
1272 party;

1273 (4) When required by the City Mayor or Sangguniang Panlungsod, draft
1274 ordinances, contracts, bonds, leases, and other instruments involving any
1275 interest of the City, and provide comments and recommendations on any
1276 instrument already drawn;

1277 (5) Render his opinion in writing on any question of law when requested to do
1278 so by the-City Mayor or Sangguniang Panlungsod;

1279 (6) Investigate or cause to be investigated any local official or employee for
1280 administrative neglect or misconduct in office, and recommend appropriate
1281 action to the City Mayor or Sangguniang Panlungsod, as the case may be;

1282 (7) Investigate or cause to be investigated any person, firm, or corporation
1283 holding any franchise or exercising any public privilege for failure to comply
1284 with any term or condition in the grant of such franchise or privilege, and
1285 recommend appropriate action to the City Mayor or Sangguniang Panlungsod,
1286 as the case may be;

1287 (8) When directed by the City Mayor or Sangguniang Panlungsod, initiate and
1288 prosecute, in the interest of the City concerned, any civil action on any bond,
1289 lease, or other contract upon any breach or violation thereof; and

1290 (9) Review and submit recommendations on ordinances approved and execute
1291 orders issued by component units;

1292 (10) Recommend measures to the Sangguniang Panlungsod and advise the City
1293 Mayor on all matters related to upholding the rule of law;

1294 (11) Be in the frontline of protecting human rights and prosecuting any violation
1295 thereof, particularly those which occur during and in the aftermath of man-made
1296 or natural disasters and calamities; and

1297 (12) Perform such other duties and functions and exercise such other powers as
1298 provided under the Local Government Code of 1991, as amended, and those
1299 that are prescribed by law or ordinance.

1300 **Section 42. The City Veterinarian.** – (a) The City Veterinarian must be a citizen of the
1301 Philippines, a resident of the City of Malay Boracay, of good moral character, and a licensed
1302 doctor of veterinary medicine. He must have practiced his profession for at least five (5) years
1303 immediately preceding the date of his appointment.

1304 (b) The City Veterinarian shall receive such compensation, emoluments, and
1305 allowances as may be determined by law.

1306 (c) The City Veterinarian shall take charge of the City Veterinary Services Department,
1307 and shall:

1308 (1) Formulate measures for the consideration of the Sangguniang Panlungsod
1309 and provide technical assistance and support to the City Mayor in carrying out
1310 measures to ensure the delivery of basic services and provision of adequate
1311 facilities relative to veterinary services;

1312 (2) Develop plans and strategies and, upon approval thereof by the City Mayor,
1313 implement the same, particularly those which have to do with veterinary-related
1314 activities which the City Mayor is empowered to implement and which the
1315 Sangguniang Panlungsod is empowered to provide;

1316 (3) Advise the City Mayor on all matters pertaining to the slaughter of animals
1317 for human consumption and the regulation of slaughterhouses;

1318 (4) Regulate the keeping of domestic animals;

1319 (5) Regulate and inspect poultry, milk, and dairy products for public
1320 consumption;

1321 (6) Enforce all laws and regulations for the prevention of cruelty to animals;

1322 (7) Take the necessary measures to eradicate, prevent, or cure all forms of
1323 animal disease;

1324 (8) Be in the frontline of veterinary-related activities, such as in the outbreak of
1325 highly contagious and deadly diseases, and in situations resulting in the
1326 depletion of animals for work and human consumption, particularly those
1327 arising from and in the aftermath of man-made and natural disasters and
1328 calamities;

1329 (9) Recommend to the Sangguniang Panlungsod and advise the City Mayor on
1330 all other matters relative to veterinary services which will increase the number
1331 and improve the quality of livestock, poultry, and other domestic animals used
1332 for work or human consumption; and

1333 (10) Perform such other duties and functions and exercise such other powers as
1334 provided under the Local Government Code of 1991, as amended, and those
1335 that are prescribed by law or ordinance.

1336 **Section 43. The City Social Welfare and Development Officer.** – (a) The City Social
1337 Welfare and Development Officer must be a citizen of the Philippines, a resident of the City of
1338 Malay Boracay, of good moral character, a duly licensed Social Worker or a holder of a college
1339 degree preferably in Sociology or any other related course from a recognized college or
1340 university, and a second level civil service eligible or its equivalent. He must have acquired
1341 experience in the practice of social work for at least five (5) years immediately preceding the
1342 date of his appointment.

1343 (b) The City Social Welfare and Development Officer shall receive such compensation,
1344 emoluments, and allowances as may be determined by law.

1345 (c) The City Social Welfare and Development Officer shall take charge of the City
1346 Social Welfare and Development Department, and shall:

1347 (1) Formulate measures for the approval of the Sangguniang Panlungsod and
1348 provide technical assistance and support to the City Mayor in carrying out
1349 measures to ensure the delivery of basic services and provision of adequate
1350 facilities relative to social welfare and development services;

1351 (2) In addition to the foregoing duties, the City Social Welfare and Development
1352 Officer shall:

1353 (i) Identify the basic needs of the needy, the disadvantaged, and the
1354 impoverished and develop and implement appropriate measures to
1355 alleviate their problems and improve their living conditions;

1356 (ii) Provide relief and appropriate crisis intervention for victims of abuse
1357 and exploitation and recommend appropriate measures to deter further
1358 abuse and exploitation;

1359 (iii) Assist the City Mayor in implementing the barangay-level program
1360 for the total development and protection of children up to six (6) years
1361 of age;

1362 (iv) Facilitate the implementation of welfare programs for the disabled,
1363 elderly, and victims of drug addiction, the rehabilitation of prisoners and
1364 parolees, the prevention of juvenile delinquency, and such other
1365 activities which would eliminate and minimize the ill-effects of poverty;

1366 (v) Initiate and support a youth welfare program that will enhance the
1367 role of youth in nation-building;

1368 (vi) Coordinate with government agencies and nongovernmental
1369 organizations whose purpose is the promotion and the protection of all
1370 the needy, disadvantaged, underprivileged, or impoverished groups or
1371 individuals, particularly those identified to be vulnerable and high risk
1372 to exploitation, abuse, and neglect;

1373 (3) Be in the frontline of service delivery, particularly those with immediate
1374 relief and assistance during and in the aftermath of man-made and natural
1375 disasters and calamities;

1376 (4) Recommend to the Sangguniang Panlungsod and advise the City Mayor on
1377 all other matters related to social welfare and development services which will
1378 improve the livelihood and living conditions of the City's inhabitants; and

1379 (5) Perform such other duties and functions and exercise such other powers as
1380 provided under the Local Government Code of 1991, and those that are
1381 prescribed by law or ordinance.

1382 **Section 44. The City General Services Officer.** – (a) The City General Services Officer must
1383 be a citizen of the Philippines, a resident of the City of Malay Boracay, of good moral character,
1384 a holder of a college degree preferably in Industrial Engineering, Industrial Management,
1385 Public Administration, Business Administration or Management, and/or any related courses
1386 from a recognized college or university, and a second level civil service eligible or its
1387 equivalent. He must have acquired experience in general services, including management of
1388 supply, property, solid waste disposal, and general sanitation for at least five (5) years
1389 immediately preceding the date of his appointment.

1390 (b) The City General Services Officer shall receive such compensation, emoluments,
1391 and allowances as may be determined by law.

1392 (c) The City General Services Officer shall take charge of the City General Services
1393 Department, and shall:

1394 (1) Formulate measures for the consideration of the Sangguniang Panlungsod
1395 and provide technical assistance and support to the City Mayor in carrying out
1396 measures to ensure the delivery of public services and provision of adequate
1397 facilities, which require general services expertise and technical support
1398 services;

1399 (2) Develop plans and strategies and, upon approval thereof by the City Mayor,
1400 implement the same, particularly those which have to do with general services
1401 supportive of the welfare of the inhabitants of the City, which the City Mayor
1402 is empowered to implement and which the Sangguniang Panlungsod is
1403 empowered to provide;

1404 (3) Take custody of and be accountable for all properties, real or personal,
1405 owned by the city, and those granted to it in the form of donation, reparation,
1406 assistance, and counterpart of joint projects;

- 1407 (4) With the approval of the City Mayor, assign building or land space to local
1408 officials or other public officials who, by law, are entitled to the space;
- 1409 (5) Recommend to the City Mayor the reasonable rental rates for local
1410 government properties, whether real or personal, which will be leased to public
1411 or private entities by the local government;
- 1412 (6) Recommend to the City Mayor reasonable rental rates of private properties
1413 which may be leased for the official use of the City;
- 1414 (7) Maintain and supervise janitorial, security, landscaping, and other related
1415 services in all local government public buildings and other real property,
1416 whether owned or leased by the City;
- 1417 (8) Collate and disseminate information regarding prices, shipping, and other
1418 costs of supplies and other items commonly used by the City;
- 1419 (9) Perform archival and record management with respect to records of offices
1420 and departments of the City;
- 1421 (10) Perform all other functions pertaining to supply and property management
1422 and enforce policies on records creation, maintenance, and disposal;
- 1423 (11) Be in the frontline of general services-related activities, such as the possible
1424 or imminent destruction or damage to records, supplies, properties, and
1425 structural materials or debris, particularly during and in the aftermath of man-
1426 made and natural disasters and calamities;
- 1427 (12) Recommend to the Sangguniang Panlungsod and advise the City Mayor on
1428 all other matters relative to general services; and
- 1429 (13) Perform such other duties and functions and exercise such other powers as
1430 provided under the Local Government Code of 1991, as amended, and those
1431 that are prescribed by law or ordinance.

1432 **Section 45. The City Disaster Risks Reduction and Management Officer.** – (a) The City
1433 Disaster Risks Reduction Management Officer must be a citizen of the Philippines, a resident
1434 of the City of Malay Boracay, of good moral character, a holder of a college degree preferably

1435 in Disaster Risk Management, Engineering, Healthcare, and/or any related courses from a
1436 recognized college or university, and a second level civil service eligible or its equivalent. He
1437 must have acquired experience in disaster risk reduction management for at least five (5) years
1438 immediately preceding the date of his appointment.

1439 (b) The City Disaster Risks Reduction Management Officer shall receive such
1440 compensation, emoluments, and allowances as may be determined by law or ordinance.

1441 (c) The City Disaster Risks Reduction Management Officer shall take charge of the
1442 City Disaster Risks Reduction Management Department, and shall:

1443 (1) Develop plans and strategies and, upon approval thereof by the City Mayor,
1444 implement the same, which the City Mayor is empowered to implement and
1445 which the Sangguniang Panlungsod is empowered to provide;

1446 (2) Set the direction, development, implementation, and coordination of disaster
1447 risk management programs within their territorial jurisdiction;

1448 (3) Design, program, and coordinate disaster risk reduction and management
1449 activities consistent with the standards and guidelines of the National Disaster
1450 Risk Reduction and Management Council (NDRRMC);

1451 (4) Facilitate and support risk assessments and contingency planning activities
1452 at the local level;

1453 (5) Consolidate local disaster risk information, which includes natural hazards,
1454 vulnerabilities, and climate change risk, and maintain a local risk map;

1455 (6) Organize and conduct training, orientation, and knowledge management
1456 activities on disaster risk reduction and management at the local level;

1457 (7) Operate a multi-hazard early warning system, link to disaster risk reduction
1458 to provide accurate and timely advice to national or local emergency response
1459 organizations and to the general public, through diverse mass media,
1460 particularly radio, landline communication, and technologies for
1461 communication within rural communities;

- 1462 (8) Formulate and implement a comprehensive and integral City Disaster Risk
1463 Reduction and Management Plan (CDRRMP) and City Climate Change Action
1464 Plan (CCCAP) in accordance with the national, regional, and provincial
1465 frameworks and policies on disaster risk reduction, in close coordination with
1466 the Local Development Council (LDC);
- 1467 (9) Prepare and submit to the Sangguniang Panlungsod through the City
1468 Disaster Risk Reduction and Management Council (CDRRMC) and the Local
1469 LDC the Annual City Disaster Risk Reduction and Management Office
1470 (CDRRMO) Plan and Budget, the proposed programming of the City Disaster
1471 Risk Reduction and Management Fund (CDRRMF), other dedicated disaster
1472 risk reduction and management resources, and other regular funding sources
1473 and budgetary support of the CDRRMO and the Barangay Disaster Risk
1474 Reduction and Management Committees (BDRRMC);
- 1475 (10) Conduct continuous disaster monitoring and mobilize instrumentalities and
1476 entities of the LGUs, civil society organizations (CSOs), private groups, and
1477 organized volunteers, to utilize their facilities and resources for the protection
1478 and preservation of life and properties during emergencies in accordance with
1479 existing policies and procedures;
- 1480 (11) Identify, assess, and manage the hazards, vulnerabilities, and risks that may
1481 occur in their locality;
- 1482 (12) Disseminate information and raise public awareness about those hazards,
1483 vulnerabilities, and risks, their nature, effects, early warning signs, and
1484 countermeasures;
- 1485 Identify and implement cost-effective risk reduction measures and strategies;
- 1486 (13) Maintain a database of human resources, equipment, directories, and the
1487 location of critical infrastructures and their capacities, such as hospitals and
1488 evacuation centers;
- 1489 (14) Develop, strengthen, and operationalize mechanisms for partnership or
1490 networking with the private sector, CSOs, and volunteer groups;

- 1491 (15) Take all necessary steps on a continuing basis to maintain, provide or
1492 arrange the provision of or to otherwise make available, suitably-trained and
1493 competent personnel for effective civil defense and disaster risk reduction and
1494 management in its area;
- 1495 (16) Organize, train, equip, and supervise the local emergency response teams
1496 and the Accredited Community Disaster Volunteers (ACDVs), ensuring that
1497 humanitarian aid workers are equipped with basic skills to assist mothers to
1498 breastfeed.
- 1499 (17) Respond to and manage the adverse effects of emergencies and carry out
1500 recover activities in the affected area, ensuring that there is an efficient
1501 mechanism for immediate delivery of food, shelter and medical supplies for
1502 women and children, endeavor to create a special place where internally-
1503 displaced mothers and children can find help with breastfeeding, feed and care
1504 for their babies and give support to each other;
- 1505 (18) Within its area, promote and raise public awareness and compliance with
1506 Republic Act No. 10121, otherwise known as the Philippine Disaster Risk
1507 Reduction and Management Act of 2010, and other relevant legislative
1508 provisions;
- 1509 (19) Serve as the secretariat and executive arm of the CDRRMC;
- 1510 (20) Coordinate other disaster risk reduction and management activities;
- 1511 (21) Establish linkage/network with other LGUs for disaster risk reduction and
1512 emergency response purposes;
- 1513 (22) Recommend through the CDRRMC the enactment of local ordinances
1514 consistent with the requirements of this Act;
- 1515 (23) Implement policies, approved plans, and programs of the CDRRMC
1516 consistent with the policies and guidelines laid down in the Philippine Disaster
1517 Risk Reduction and Management Act of 2010;

1518 (24) Establish a City Disaster Risk Reduction and Management Operations
1519 Center;

1520 (25) Prepare and submit, through the CDRRMC and the LDC, the report on the
1521 utilization of the CDRRMF and other dedicated disaster risk reduction and
1522 management resources to the local Commission on Audit (COA) for city-level
1523 and internal audit for municipal and component city-level, copy Operations
1524 Officer of the Department of the Interior and Local Government (DILG);

1525 (26) Act on the other matters that may be authorized by the CDRRMC; and

1526 (27) Perform such other duties and functions and exercise such other powers as
1527 may be prescribed by the Philippine Disaster Risk Reduction and Management
1528 Act of 2010 and those that are prescribed by law or ordinance.

1529 **Section 46. The City Public Employment Service Officer.** – (a) The City Public Employment
1530 Service Officer must be a citizen of the Philippines, a resident of the City of Malay Boracay,
1531 of good moral character, a holder of a college degree preferably in Business Administration
1532 major in Human Resource Management, Operations Management (OM), Human Resource
1533 Management (HRM), Human Resource Development (HRD) and/or allied fields from a
1534 recognized college or university, and a second level civil service eligible or its equivalent. He
1535 must have acquired experience in human resource management for at least five (5) years
1536 immediately preceding the date of his appointment.

1537 (b) The City Public Employment Service Officer shall receive such compensation,
1538 emoluments, and allowances as may be determined by law or ordinance.

1539 (c) The City Public Employment Service Officer shall take charge of the City Public
1540 Employment Service Office, and shall:

1541 (1) Promote employment programs for city residents in need of jobs;

1542 (2) Provide employment counselling, career guidance, and other such services
1543 to the city's students and out-of-school youth;

1544 (3) Promote industrial peace by mediating in labor management disputes upon
1545 the request of a contending party;

1546 (4) Develop plans and strategies and, upon approval thereof by the City Mayor,
1547 implement the same, particularly those relating to public employment services
1548 which the City Mayor is empowered to implement and which the Sangguniang
1549 Panlungsod is empowered to provide; and

1550 (5) Perform such other duties and functions and exercise such other powers as
1551 may be prescribed by the Public Employment Service Office Act of 1999, as
1552 amended, and those that are prescribed by law or ordinance.

1553 **Section 47. The City Tourism Officer.** – (a) The City Tourism Officer must be a citizen of
1554 the Philippines, a resident of the City of Malay Boracay, of good moral character, a holder of
1555 a college degree preferably in Tourism, Tourism Management, Hospitality Management,
1556 and/or any related courses from a recognized college or university, and a second level civil
1557 service eligible or its equivalent. He must have acquired experience in cultural and tourism
1558 services for at least five (5) years immediately preceding the date of his appointment.

1559 (b) The City Tourism Officer shall receive such compensation, emoluments, and
1560 allowances as may be determined by law.

1561 (c) The City Tourism Officer shall take charge of the City Tourism Office, and shall:

1562 (1) Develop plans and strategies and, upon approval thereof by the city mayor,
1563 implement the same, which the city mayor is empowered to implement and
1564 which the Sangguniang Panlungsod is empowered to provide;

1565 (2) Initiate and implement the city government's activities related to culture and
1566 tourism;

1567 (3) Acts on referrals and instructions of the City Mayor on activities pertaining
1568 to culture, tourism, and historical matters; handles projects related to tourism;

1569 (4) Takes charge of the preservation and promotion of the cultural heritage of
1570 the city and of the nation in general by implementing projects related to culture;

1571 (5) Encourages the organization of cultural groups in the City of Malay Boracay
1572 through periodic competitions, exhibitions, and performances, both for public

- 1573 benefit and for the discovery, development, and presentation of individual and
1574 group talents;
- 1575 (6) Formulates plans, programs, and projects related to the commemoration of
1576 historical events in the City of Malay Boracay and other commemorative
1577 activities celebrated in the country;
- 1578 (7) Formulate programs related to cultural projects and the commemoration of
1579 historical events;
- 1580 (8) Handle projects related to the promotion of tourism in the city;
- 1581 (9) Serve as a channel in the establishment and sustenance of sister-city
1582 relations; and
- 1583 (10) Supervise the registration of tourism-oriented and tourism-related
1584 establishments.
- 1585 (11) Encourage the LGU to enact local legislation adopting the Department of
1586 Tourism (DOT) accreditation standards for tourism facilities and services;
- 1587 (12) Ensure a pleasant experience and stay of tourists while at the same time
1588 protecting the interests, welfare, and rights of the City;
- 1589 (13) Develop tourist products and destinations that will benefit the City and its
1590 local community;
- 1591 (14) Pursue the implementation of the national tourism master plans, the
1592 national ecotourism strategy, and the area-specific plans of the national and
1593 LGUs;
- 1594 (15) Support the LGU in promoting festivals, fiestas, and other tourism-related
1595 activities; and
- 1596 (16) Perform such other duties and functions and exercise such other powers as
1597 provided under the Local Government Code of 1991, as amended, and those
1598 that are prescribed by law or ordinance.

1599 **Section 48. The City Youth Development Officer.** – (a) The Youth Development Officer
1600 shall be not more than 30 years old at the time of his or her appointment; of good moral
1601 character; must have acquired experience in youth development affairs or involvement in youth
1602 or youth serving organizations for at least 3 years and he or she shall be appointed by the City
1603 Mayor, but in no case is he or she be within the fourth civil degree of consanguinity or affinity
1604 of the appointing authority.

1605 (b) The City Youth Development Officer shall receive such compensation,
1606 emoluments, and allowances as may be determined by law.

1607 (c) The City Youth Development Officer is responsible for promoting and protecting
1608 the physical, moral, spiritual, intellectual, and social well-being of Filipino youth,
1609 inculcating in them patriotism and nationalism, and encouraging their involvement in
1610 public and civic affairs.

1611 (d) The City Youth Development Officer shall perform the following duties and
1612 responsibilities:

1613 (1) Register and verify youth had youth-serving organizations;

1614 (2) Provide technical assistance to the City Youth Development Council
1615 (CYDC) in the formulation of the Youth Development Plan;

1616 (3) Facilitate the election of the CYDC representatives;

1617 (4) Serve as Secretariat to the CYDC and, as such, shall provide the necessary
1618 administrative, operational, staff, and technical support to the CYDC;

1619 (5) Conduct the mandatory and continuing training of Sangguniang Kabataan
1620 (SK) officials and CYDC members, pursuant to the programs jointly designed
1621 and implemented by the National Youth Commission (NYC) and the DILG;

1622 (6) Provide technical, logistical, and other support in the conduct of the
1623 mandatory and continuing training programs, and to such other programs of the
1624 NYC and DILG; and

1625 (7) The City Youth Development Officer shall coordinate with the NYC with
1626 regard to the youth programs within their jurisdiction and perform other

1627 functions as may be prescribed by the Sangguniang Kabataan Reform Act of
1628 2015, as amended, and those that are prescribed by law or ordinance.

1629 **Section 49. The City Cooperatives Development Officer.** – (a) The City Cooperatives
1630 Officer must be a citizen of the Philippines, a resident of the City of Malay Boracay, of good
1631 moral character, a holder of a college degree preferably in Business Administration, and/or any
1632 related courses with special training on cooperatives or any related fields from a recognized
1633 college or university, and a second level civil service eligible or its equivalent. He must have
1634 experience for at least five (5) years immediately preceding the date of his appointment.

1635 (b) The City Cooperatives Officer shall receive such compensation, emoluments, and
1636 allowances as may be determined by law or ordinance.

1637 (c) The City Cooperatives Officer shall take charge of the Cooperatives Department,
1638 and shall:

1639 (1) Formulate measures for consideration of the Sangguniang Panlungsod and
1640 provide technical assistance and support to the City Mayor in carrying out
1641 measures to ensure the delivery of basic services and provision of facilities
1642 through the development of cooperatives, and in providing access to such
1643 services and facilities;

1644 (2) Develop plans and strategies and, upon approval thereof by the City Mayor,
1645 implement the same, particularly those which have to do with the integration of
1646 cooperative principles and methods in programs and projects which the City
1647 Mayor is empowered to implement and which the Sangguniang Panlungsod is
1648 empowered to provide;

1649 (3) Assist in the organization of cooperatives;

1650 (4) Provide technical and other forms of assistance to existing cooperatives to
1651 enhance their viability as an economic enterprise and social organization;

1652 (5) Assist cooperatives in establishing linkages with government agencies and
1653 nongovernment organizations involved in the promotion and integration of the
1654 concept of cooperatives in the livelihood of the people and other community
1655 activities;

1656 (6) Be in the frontline of cooperative organizations, rehabilitation, or viability
1657 enhancement, particularly during and in the aftermath of man-made and natural
1658 disasters and calamities, to aid in their survival and, if necessary, subsequent
1659 rehabilitation;

1660 (7) Recommend to the Sangguniang Panlungsod and advise the City Mayor on
1661 all other matters relative to cooperatives development and viability
1662 enhancement, which will improve the livelihood and quality of life of the
1663 inhabitants; and

1664 (8) Perform such other duties and functions and exercise such other powers as
1665 provided under the Local Government Code of 1991, as amended, and those
1666 that are prescribed by law or ordinance.

1667 **Section 50. The City Persons with Disability Affairs Officer.** – (a) The City Persons with
1668 Disability Officer must be a citizen of the Philippines, a resident of the City of Malay Boracay,
1669 of good moral character, a holder of a college degree from a recognized college or university,
1670 and a first-grade civil service eligible or its equivalent. He must be a duly accredited PWD
1671 organization with a track record of at least three (3) years. He must have acquired 5 experience
1672 in position/s involving management and supervision, 1 year of which is relevant to disability
1673 affairs.

1674 (b) The City Persons with Disability Affairs Officer shall receive such compensation,
1675 emoluments, and allowances as may be determined by law.

1676 (c) The City Persons with Disability Affairs Officer shall take charge of the City
1677 Persons with Disability Office, and shall:

1678 (1) Formulate and implement policies, plans, and programs for the promotion of the
1679 welfare of persons with disabilities in coordination with concerned national and
1680 local government agencies;

1681 (2) Coordinate and implement the provision of Republic Act No. 10070, otherwise
1682 known as an Act Establishing Institutional Mechanism to Ensure the
1683 Implementation of Programs and Services for Persons with Disabilities in Every

- 1684 Province, City, and Municipality, Batas Pambansa Blg. 344, otherwise known as
1685 the Accessibility Law, and other relevant laws at the local level;
- 1686 (3) Represent persons with disabilities in meetings of local development councils
1687 and other special bodies;
- 1688 (4) Recommend and encourage the participation of Non-Government Organizations
1689 (NGOs) and People’s Organizations (POs) in the implementation of all disability-
1690 related laws and policies;
- 1691 (5) Gather and compile relevant data on persons with disabilities in the City of
1692 Malay Boracay;
- 1693 (6) Disseminate information, including, but not limited to, programs and activities
1694 for persons with disabilities, statistics on persons with disabilities, including
1695 children with disability, and training and employment opportunities for persons
1696 with disabilities;
- 1697 (7) Submit reports to the City Mayor on the implementation of programs and
1698 services for the promotion of the welfare of persons with disabilities in the City of
1699 Malay Boracay;
- 1700 (8) Ensure that policies, plans, and programs for the promotion of the welfare of
1701 persons with disabilities are funded by both the national and local governments.
- 1702 (9) Monitor fundraising activities being conducted for the benefit of persons with
1703 disabilities;
- 1704 (10) Seek donations in cash or in kind from local or foreign donors to implement an
1705 approved work plan for persons with disabilities, in accordance with existing laws
1706 and regulations;
- 1707 (11) Perform such other functions as may be necessary for the promotion and
1708 protection of the welfare of persons with disabilities;
- 1709 (12) Manage and oversee the efficient operations of the Persons with Disabilities
1710 Affairs Office and provide general supervision of its personnel;

- 1711 (13) Develop, promote, and monitor the implementation of policies, plans,
1712 programs, and services for the development of persons with disabilities in
1713 coordination with national and local government agencies;
- 1714 (14) Ensure representation of persons with disabilities in the local development
1715 councils and other special bodies;
- 1716 (15) Build the capacity of non-government organizations and people's
1717 organizations to participate in the implementation of all disability related laws and
1718 policies;
- 1719 (16) Establish coordination with the province, city, or municipality, as the case may
1720 be, and ensure the inclusion of disability concerns in all local government programs
1721 and services;
- 1722 (17) Network with local, national, and international organizations and establish
1723 partnerships on disability programs and resource mobilizations;
- 1724 (18) Develop and submit to the concerned City Mayor an Annual Work and
1725 Financial Plan;
- 1726 (19) Design and implement yearly work programs and projects in accordance with
1727 Republic Act No. 7277, otherwise known as the Magna Carta for Disabled Persons,
1728 the Accessibility Law, and the United Nations Convention on the Rights of Persons
1729 with Disabilities;
- 1730 (20) Advocate for equal opportunity and accessibility of persons with disabilities
1731 (PWDs) in the programs for education, employment, health, socio-cultural, and
1732 sports development;
- 1733 (21) Propose measures for the welfare of the PWDs as approved by the Sangguniang
1734 Panlungsod;
- 1735 (22) Maintain and regularly update the list of PWDs and issue individual PWD
1736 identification cards;
- 1737 (23) Organize the identified PWDs in every barangay and federate them in the City;

1738 (24) Serve as a consultative and advisory body in the issuance of building and
1739 occupancy permits relative to the effective implementation of the Accessibility
1740 Law; and

1741 (25) Monitor and report to the Department of Justice all incidents that violate the
1742 Magna Carta for Disabled Persons, the Accessibility Law, the Act Establishing
1743 Institutional Mechanism to Ensure the Implementation of Programs and Services
1744 for Persons with Disabilities in Every Province, City, and Municipality, and
1745 Republic Act No. 10754, otherwise known as an Act Expanding the Benefits and
1746 Privileges of Persons with Disabilities, and other laws relating to the rights and
1747 welfare of persons with disabilities.

1748 (26) Perform such other duties and functions and exercise such other powers as may
1749 be prescribed by the Magna Carta for Disabled Persons, as amended, and those that
1750 are prescribed by law or ordinance.

1751 **Section 51. The City Office of the Senior Citizen Affairs (OSCA) Head.** – (a) The City
1752 OSCA Head must be a citizen of the Philippines, a resident of the City of Malay Boracay, of
1753 good moral character, able to read and write, and at least a high school graduate. He must be
1754 physically and mentally capable of performing the tasks of OSCA Head, a bona fide member
1755 of a duly registered senior citizen’s organization that has a track record of at least three
1756 consecutive years.

1757 (b) The City OSCA Head shall receive such compensation, emoluments, and
1758 allowances as may be determined by law.

1759 (c) The City OSCA Head shall take charge of the Office of the Senior Citizens Affairs,
1760 and shall:

1761 (1) In consultation with the City Social Work and Development Officer and duly
1762 registered senior citizen organizations, to plan, develop, implement, consolidate,
1763 and monitor yearly work programs in pursuance of the objectives of the Senior
1764 Citizens Act of 1992, as amended, and its Rules;

1765 (2) To draw up a list of available and required services which can be provided by
1766 the registered federations and associations of senior citizens;

- 1767 (3) To maintain and regularly update on a quarterly basis the list of senior citizens
1768 and to issue national uniform individual identification cards and purchase booklets,
1769 free of charge, which shall be valid anywhere in the country;
- 1770 (4) To serve as a general information and liaison center for the needs of the senior
1771 citizens;
- 1772 (5) To monitor compliance with the provisions of the Senior Citizens Act of 1992,
1773 as amended, and its Rules, particularly the grant of special discounts and privileges
1774 to senior citizens;
- 1775 (6) To report to the Mayor, any person, natural or judicial; establishments, business,
1776 entity, institution, or agency found violating any provision of the Senior Citizens
1777 Act of 1992, as amended, and its Rules;
- 1778 (7) To facilitate the creation of a city or municipality coordinating and monitoring
1779 board consisting of the City OSCA Head, the City Social Work and Development
1780 Officer, and the presidents of concerned, duly registered senior citizens
1781 organizations, to deliberate and act on the complaints;
- 1782 (8) To assist senior citizens in filing complaints or charges against any person,
1783 natural or judicial; establishment, institution, or agency refusing to comply with the
1784 privileges under the Senior Citizens Act of 1992, as amended, before the
1785 Department of Justice (DOJ), the Provincial Prosecutor's Office, the regional or the
1786 municipal trial court, the municipal trial court in cities, or the municipal circuit trial
1787 court;
- 1788 (9) To assist and coordinate with the concerned person, natural or judicial,
1789 establishment, institution, or agency in investigating fraudulent practices and
1790 abuses of the discounts and privileges exclusively granted to senior citizens; and
- 1791 (10) To establish linkages and work together with the accredited NGOs, people's
1792 organizations, and the barangays in their respective areas.
- 1793 (11) Perform such other duties and functions and exercise such other powers as may
1794 be prescribed by the Senior Citizens Act of 1992, as amended, and those that are
1795 prescribed by law or ordinance.

1796 **Section 52. The City Agricultural and Biosystems Engineer.** – (a) The City Agricultural and
1797 Biosystems Engineer must be a citizen of the Philippines, a resident of the City of Malay
1798 Boracay, of good moral character, and a duly licensed Agricultural and Biosystems Engineer.
1799 He must have acquired experience preferably in Agricultural and Biosystems Engineering and
1800 in any related field, and practiced his profession for at least five (5) years immediately
1801 preceding the date of his appointment.

1802 (b) The City Agricultural and Biosystems Engineer shall receive such compensation,
1803 emoluments, and allowances as may be determined by law.

1804 (c) The City Agricultural and Biosystems Engineer shall take charge of the City Office
1805 of Agricultural and Biosystems Engineer, and shall exercise the following:

1806 (1) Preparation of engineering designs, plans, specifications, project studies,
1807 feasibility studies and estimates of irrigation and drainage, soil and water
1808 conservation and management systems and facilities, agrometeorological
1809 systems, agricultural and biosystems power, and machinery, agricultural and
1810 biosystems buildings and structures, renewable/bio-energy systems and farm
1811 electrification, agricultural and bio-processing and post harvest facilities and
1812 system, agricultural and biological waste utilization and management,
1813 agricultural and bio-information system, agricultural and biosystems resource
1814 conservation and management, and agricultural and bio-automation and
1815 instrumentation system;

1816 (2) Supervision or management on the construction, operation, and maintenance
1817 of irrigation and drainage, soil and water conservation and management systems
1818 and facilities, agrometeorological systems, agricultural and biosystems power
1819 and machinery, agricultural and biosystems buildings and structures,
1820 renewable/bio-energy systems and farm electrification, agricultural and bio-
1821 processing and post harvest facilities and system, agricultural and biological
1822 waste utilization and management, agricultural and bio-information system,
1823 agricultural and biosystems resource conservation and management, and
1824 agricultural and bio-automation and instrumentation system;

- 1825 (3) Valuation, appraisal, investigation, inspection, monitoring, and technical
1826 audit on agricultural and biosystems machinery and equipment, structures and
1827 facilities, and agricultural and biosystems engineering projects;
- 1828 (4) Program/Project development and management, planning, evaluation, and
1829 consultancy services on agricultural and biosystems engineering undertakings;
- 1830 (5) Conduct of research and development, training, and extension on
1831 agricultural and biosystems engineering;
- 1832 (6) Testing, evaluation, and inspection of agricultural and biosystems
1833 machinery, and other related agricultural and biosystems engineering facilities,
1834 equipment, and projects;
- 1835 (7) Teaching and/or conducting of lectures on agricultural and biosystems
1836 engineering subjects in institutions of learning in the Philippines;
- 1837 (8) Preparation and evaluation of farm development plans, farm suitability
1838 maps, and land use maps/reports for agricultural, livestock and poultry, fishery,
1839 aquaculture, and forest production and processing;
- 1840 (9) Training and supervision of agri-fishery machinery technicians and
1841 operators of agri-fishery machinery service centers/pools, and agricultural and
1842 biosystems engineering technicians and operators in agricultural and biosystems
1843 plants, establishments, facilities, and projects;
- 1844 (10) Participation in the preparation of environmental studies for agricultural,
1845 fisheries, agro-industrial, and biosystems projects and their monitoring under
1846 the Environmental Impact Assessment (EIA) system; and
- 1847 (11) Perform such other duties and functions and exercise such other powers as
1848 provided for under Republic Act No. 10601, otherwise known as the
1849 Agricultural and Fisheries Mechanization Law of 2013, and those that are
1850 prescribed by law or ordinance.

1851 **Section 53. The City Agriculturist.** – (a) The City Agriculturist must be a citizen of the
1852 Philippines, a resident of the City of Malay Boracay, of good moral character, a holder of a

1853 college degree preferably in Agriculture or any related courses from a recognized college or
1854 university, and a licensed agriculturist. He must have practiced his profession in agriculture or
1855 acquired experience in a related field for at least five (5) years immediately preceding the date
1856 of his appointment.

1857 (b) The City Agriculturist shall receive such compensation, emoluments, and
1858 allowances as may be determined by law.

1859 (c) The City Agriculturist shall take charge of the agricultural services department, and
1860 shall:

1861 (1) Formulate measures for the approval of the Sangguniang Panlungsod and
1862 provide technical assistance and support to the city mayor in carrying out said
1863 measures to ensure the delivery of basic services and provision of adequate
1864 facilities relative to agricultural services;

1865 (2) Develop plans and strategies and, upon approval thereof by the City Mayor,
1866 implement the same, particularly those which have to do with agricultural
1867 programs and projects which the City Mayor is empowered to implement and
1868 which the Sangguniang Panlungsod is empowered to provide;

1869 (3) In addition to the foregoing duties and functions, the City Agriculturist shall:

1870 (i) Ensure that maximum assistance and access to resources in the
1871 production, processing, and marketing of agricultural and aquacultural,
1872 and marine products are extended to farmers, fishermen, and local
1873 entrepreneurs;

1874 (ii) Conduct or cause to be conducted location-specific agricultural
1875 research and assist in making available the appropriate technology
1876 arising out of and disseminating information on basic research on crops,
1877 prevention and control of plant diseases and pests, and other agricultural
1878 matters which will maximize productivity;

1879 (iii) Assist the City Mayor in the establishment and extension of
1880 demonstration farms on aquaculture and marine products;

1881 (iv) Enforce rules and regulations relating to agriculture and
1882 aquaculture; and

1883 (v) Coordinate with government agencies and nongovernmental
1884 organizations that promote agricultural productivity through applied
1885 technology compatible with environmental integrity.

1886 (4) Be in the frontline of the delivery of basic agricultural services and provide
1887 technical advice to farmers and fisherfolk in the adoption of critical climate
1888 adaptation and disaster mitigation practices and techniques, and ensure the
1889 availability of staple food such as rice, corn, and produce especially in
1890 preparation for an impending natural calamity, and in the aftermath of man-
1891 made or natural disasters;

1892 (5) Recommend to the Sangguniang Panlungsod and advise the City Mayor on
1893 all other matters related to agriculture and aquaculture which will improve the
1894 livelihood and living conditions of the inhabitants; and

1895 (6) Perform such other duties and functions and exercise such other powers as
1896 provided under the Local Government Code of 1991, as amended, and those
1897 that are prescribed by law or ordinance.

1898 **Section 54. The City Population Officer.** – (a) The City Population Officer must be a citizen
1899 of the Philippines, a resident of the City of Malay Boracay, of good moral character, a holder
1900 of a college degree preferably in Population Management, Public Administration and/or any
1901 related courses with specialized training in Population Development from a recognized college
1902 or university, and a second level civil service eligible or its equivalent. He must have
1903 experience in the implementation of programs on population development or responsible
1904 parenthood for at least five (5) years immediately preceding the date of his appointment.

1905 (b) The City Population Officer shall receive such compensation, emoluments, and
1906 allowances as may be determined by law or ordinance.

1907 (c) The City Population Officer shall take charge of the City Population and Gender
1908 Office, and shall:

- 1909 (1) Formulate measures for the consideration of the Sangguniang Panlungsod
1910 and provide technical assistance and support to the City Mayor in carrying out
1911 measures to ensure the delivery of basic services and provision of adequate
1912 facilities relative to the integration of population development principles and in
1913 providing access to said services and facilities;
- 1914 (2) Develop plans and strategies and, upon approval thereof by the City Mayor,
1915 implement the same, particularly those which have to do with the integration of
1916 population development principles and methods in programs and projects which
1917 the City Mayor is empowered to implement and which the Sangguniang
1918 Panlungsod is empowered to provide;
- 1919 (3) Assist the City Mayor in the implementation of the constitutional provisions
1920 relative to population development and the promotion of responsible
1921 parenthood;
- 1922 (4) Establish and maintain an updated data bank for program operations,
1923 development planning, and an educational program to ensure the people's
1924 participation in and understanding of population development;
- 1925 (5) Implement appropriate training programs that are consistent with the
1926 traditions and cultural heritage of the City's inhabitants; and
- 1927 (6) Perform such other duties and functions and exercise such other powers as
1928 provided under the Local Government Code of 1991, as amended, and those
1929 that are prescribed by law or ordinance.

1930 **Section 55. The City Environment and Natural Resources Officer.** – (a) The City
1931 Environment and Natural Resources Officer must be a citizen of the Philippines, a resident of
1932 the City of Malay Boracay, of good moral character, a holder of a college degree preferably in
1933 Environmental Science, Environmental Management, Environmental Planning, Forestry,
1934 Agriculture and/or any related courses from a recognized college or university, and a second
1935 level civil service eligible or its equivalent. He must have acquired experience in environment
1936 and natural resources management, conservation, and utilization work for at least five (5) years
1937 immediately preceding the date of his appointment.

- 1938 (b) The City Environment and Natural Resources Officer shall receive such
1939 compensation, emoluments, and allowances as may be determined by law.
- 1940 (c) The City Environment and Natural Resources Officer shall take charge of the City
1941 Environment and Natural Resources Office, and shall:
- 1942 (1) Formulate measures for the consideration of the Sangguniang Panlungsod
1943 and provide assistance and support to the City Mayor in carrying out measures
1944 to ensure the delivery of basic services and provision of adequate facilities
1945 relative to environment and natural resources services;
- 1946 (2) Develop plans and strategies and, upon approval thereof by the City Mayor,
1947 implement the same, particularly those which have to do with environment and
1948 natural resources programs and projects which the City Mayor is empowered to
1949 implement and which the Sangguniang Panlungsod is empowered to provide;
- 1950 (3) Manage and maintain seed banks and produce seedlings for forests and tree
1951 parks;
- 1952 (4) Provide extension services to beneficiaries of forest development projects
1953 and render assistance for natural resources-related conservation and utilization
1954 activities consistent with ecological balance;
- 1955 (5) Coordinate with government agencies and non- governmental organizations
1956 in the implementation of measures to prevent and control land, air and water
1957 pollution with the assistance of the Department of Environment and Natural
1958 Resources (DENR);
- 1959 (6) Be in the frontline of the delivery of services concerning the environment
1960 and natural resources, particularly in the renewal and rehabilitation of the
1961 environment during and in the aftermath of man-made and natural disasters and
1962 calamities;
- 1963 (7) Enforce all laws, regulations and policies pertinent to environmental
1964 management and pollution control;

- 1965 (8) Design and maintain a waste collection and disposal system conforming to
1966 the requirements of Local Government Code of 1991; Republic Act No. 8749,
1967 otherwise known as the Philippine Clean Air Act of 1999; and Republic Act
1968 No. 9003, otherwise known as the Ecological Solid Waste Management Act of
1969 2000;
- 1970 (9) Implement a civic consciousness program in support of its environmental
1971 and waste management programs;
- 1972 (10) Initiate the formulation and implementation of a comprehensive and
1973 integrated Solid and Liquid Waste Management and Monitoring Plan
1974 (SLWMMP) for the City in accordance with the parameters of sustainable urban
1975 development and management set for the City and all related national and local
1976 environmental laws, standards, and issuances;
- 1977 (11) Develop and recommend specific policies, guidelines, plans and programs,
1978 practices, techniques, and measures to implement components or details of the
1979 solid and liquid waste management plan;
- 1980 (12) Institutionalize generation of renewable energy from waste through waste-
1981 to-energy and other technologies as may be consistent with the Ecological Solid
1982 Waste Management Act of 2000; Republic Act No. 9513, otherwise known as
1983 the Renewable Energy Act of 2008, and other applicable laws;
- 1984 (13) Enforce regulatory measures to manage solid and liquid wastes properly as
1985 provided in national and local legal issuances;
- 1986 (14) Source out assistance in all forms from international, national, and local
1987 partners to ensure the excellent management of the SLWMMP and its
1988 components, subject to the approval and guidelines set by the city government;
- 1989 (15) Operate and maintain facilities and equipment related to the components
1990 of the SLWMMP;
- 1991 (16) Review sewerage plans, if any, for the issuance of building permits and
1992 endorse the application if the result of the review is favorable;

- 1993 (17) Establish operational linkages with other local and national agencies
 1994 concerned with environmental protection and waste management;
- 1995 (18) Recommend to the Sangguniang Panlungsod and advise the City Mayor on
 1996 all matters relative to the protection, conservation, and maximum utilization,
 1997 application of appropriate technology, and other matters related to the
 1998 environment and natural resources
- 1999 (19) Partnership with community organizations and private organizations to
 2000 strengthen all means of support for a sustainable forest management of
 2001 watershed reserve areas, including those areas located in protected areas and
 2002 critical watersheds in coordination with DENR;
- 2003 (20) Ensure the protection and regulation of easements in major rivers and
 2004 bodies of water that are required by law in coordination with the Zoning
 2005 Administrator;
- 2006 (21) Prevention of forest fire, illegal cutting, and kaingin practices;
- 2007 (22) Apprehension of violators of forest laws, rules, and regulations; and
- 2008 (23) Perform such other duties and functions and exercise such other powers as
 2009 provided under the Local Government Code of 1991, as amended, and those
 2010 that are prescribed by law or ordinance.
- 2011 **Section 56. The City Human Resource Management Officer.** – (a) The City Human
 2012 Resource Officer must be a citizen of the Philippines, a resident of the City of Malay Boracay,
 2013 of good moral character, a holder of a college degree preferably in Business Administration
 2014 major in Human Resource Management, Human Resource Development, and/or any related
 2015 courses from a recognized college or university, and a second level civil service eligible or its
 2016 equivalent. He must have acquired experience in Human Resource Management for at least
 2017 five (5) years immediately preceding the date of his appointment.
- 2018 (b) The City Human Resource Management Officer shall receive compensation,
 2019 emoluments, and allowances as may be determined by law.

2020 (c) The City Human Resource Officer shall take charge of the City Human Resource
2021 Management Office, and shall:

2022 (1) Develop a human resource management plan aimed at improving the
2023 productivity and professional growth of the City Government's employees, and
2024 recommend the same to the City Mayor, and if warranted, to the Sangguniang
2025 Panlungsod for approval and implementation;

2026 (2) Ensure that the recruitment, selection, and placement are based on merit and
2027 fitness;

2028 (3) Design, develop, coordinate, implement, deliver, and evaluate training
2029 programs that support organization objectives that are aligned with the
2030 organization's strategic plans;

2031 (4) Develop and implement heads and staff development programs that support
2032 the organization's succession plans;

2033 (5) Ensure the implementation of a Strategic Performance Management System
2034 that includes individual Performance Contracts, ensures results-based
2035 performance, and the provision of rewards and recognition for outstanding
2036 performance and loyalty in the service; and

2037 (6) Exercise such other powers and perform such other duties and functions as
2038 may be prescribed by law or ordinance.

2039 **Section 57. The City Zoning Administrator.** – (a) The City Zoning Administrator must be a
2040 citizen of the Philippines, a resident of the City of Malay Boracay, of good moral character, a
2041 holder of a college degree preferably in Civil Engineering, Environmental Planning, Urban
2042 Planning, Law, and/or any related courses in a recognized college or university, and a licensed
2043 Environmental Planner. He must have acquired experience in zoning administration for at least
2044 five (5) years and in-depth knowledge of Philippine laws immediately preceding the date of his
2045 appointment.

2046 (b) The City Zoning Administrator shall receive compensation, emoluments, and
2047 allowances as may be determined by law.

2048 (c) The City Zoning Administrator shall take charge of the Zoning Regulation and
2049 Administration Office, and shall:

2050 (1) Act on all applications for all zoning-related certifications and clearances;

2051 (2) Issue Locational Clearances or Certificates of Zoning Compliance for
2052 projects conforming to the zoning regulations and complying with the required
2053 documents;

2054 (3) Issue Denial Decisions for Locational Clearances or Certificates of Zoning
2055 Compliance applications that are non-compliant to any provision of the Zoning
2056 Ordinance or other existing city ordinances;

2057 (4) Issue Certificates of Land Classification for requesting land owners and
2058 concerned stakeholders;

2059 (5) Issue the needed Order of Payment for the zoning fees that the applicant
2060 should be paying;

2061 (6) Monitor ongoing/existing projects and act on violations and non-compliance
2062 with the zoning ordinance;

2063 (7) Conduct site inspections and monitoring visits to on-going/existing projects
2064 within the municipality and when warranted, issue Notices of Violation and
2065 show cause order to owners, developers, or managers of projects that are
2066 violating the zoning ordinance, pursuant to Section 3 of Executive Order No.
2067 72, Series of 1993, otherwise known as the Local Government Code
2068 Implementation Guidelines on the Preparation of Comprehensive Land Use
2069 Plans, and Section 2 of Executive Order No. 71, Series of 1993, otherwise
2070 known as the Devolution of Powers to Cities and Municipalities in the Approval
2071 of Subdivision Plans, and, when necessary, refer subsequent actions thereon to
2072 the Department of Human Settlements and Urban Development (DHSUD).

2073 (8) Call and coordinate with the Philippine National Police (PNP) for the
2074 enforcement of orders and processes pertinent to the implementation of this
2075 ordinance, if necessary;

2076 (9) Coordinate with the City Legal Officer for other legal actions/remedies
2077 relative to the foregoing;

2078 (10) Impose the appropriate fines/penalties for violation of the provisions of the
2079 Zoning Ordinance;

2080 (11) Develop plans and strategies and, upon approval thereof by the City Mayor,
2081 implement the same, which the City Mayor is empowered to implement and
2082 which the Sangguniang Panlungsod is empowered to provide; and

2083 (12) Perform such other duties and functions and exercise such other powers as
2084 may be prescribed by law or ordinance.

2085 **Section 58. The City Business Permit and Licensing Officer.** – (a) The City Business
2086 Processing and Licensing Officer must be a citizen of the Philippines, a resident of the City of
2087 Malay Boracay, of good moral character, a holder of a college degree preferably in Business
2088 Administration, Business Management, Accounting, and/or any related courses from a
2089 recognized college or university, and a second level civil service eligible or its equivalent. He
2090 must have acquired experience in business processing and licensing for at least five (5) years
2091 immediately preceding the date of his appointment.

2092 (b) The City Business Processing and Licensing Officer shall receive compensation,
2093 emoluments, and allowances as may be determined by law.

2094 (c) The City Business Processing and Licensing Officer shall take charge of the City
2095 Business Processing and Licensing Department, and shall:

2096 (1) Provide effective systems, procedures, and practices in the issuance and
2097 renewal of business permits. It regulates the nature and/or operations of various
2098 business activities within the City of Malay Boracay;

2099 (2) Issued Mayor's permits to businesses located in the City of Malay, Boracay;

2100 (3) Provide an effective system of conducting inspections and verifications of
2101 all business establishments;

2102 (4) Monitor and enforce existing laws, ordinances, policies, rules, and
2103 regulations in the operation of businesses and occupations in the city;

- 2104 (5) Undertake an intensive campaign against illegal business operations;
- 2105 (6) Provide data and facts to the business sector and the public in general;
- 2106 (7) File cases with the City Prosecutor's Office and/or appropriate courts for
2107 violation of tax laws and ordinances;
- 2108 (8) Develop plans and strategies and, upon approval thereof by the city mayor,
2109 implement the same, which the city mayor is empowered to implement and
2110 which the Sangguniang Panlungsod is empowered to provide; and
- 2111 (9) Perform such other duties and functions and exercise such other powers as
2112 may be prescribed by law or ordinance.

2113 **Section 59. The City Economic Enterprise and Development Officer.** – (a) The City
2114 Economic Enterprise Development Officer must be a citizen of the Philippines, a resident of
2115 the City of Malay Boracay, of good moral character, a holder of a college degree preferably in
2116 Economics, Business Administration, and/or any related courses from a recognized college or
2117 university, and a second-level civil service eligible or its equivalent. He must have acquired
2118 experience in economic enterprise development services for at least five (5) years immediately
2119 preceding the date of his appointment.

2120 (b) The City Economic Enterprise Development Officer shall receive compensation,
2121 emoluments, and allowances as may be determined by law.

2122 (c) The City Economic Enterprise Development Officer shall take charge of the City
2123 Economic Enterprise and Development Department, and shall exercise the following
2124 powers and functions:

2125 (1) Exercise coordinate managerial control over the operations of various
2126 economic enterprise units as well as their support services units;

2127 (2) Advise the City Mayor, the City Market Committee, and other special bodies
2128 that may thereafter be legally constituted, on all matters involving economic
2129 enterprises and development;

2130 (3) Develop policies and formulate rules and regulations, standards, and
2131 procedures to improve and enhance revenue generation based on sound

2132 financial concepts and principles for adequate delivery of services, subject to
2133 the approval of the Sangguniang Panlungsod;

2134 (4) Prepare the annual budget of each Economic Enterprise and the Department
2135 as a whole;

2136 (5) Exercise management and supervision over all units and personnel under the
2137 City Economic Enterprise Office; and

2138 (6) Exercise such other powers and perform such other duties and functions as
2139 may be prescribed by law or ordinance, incidental and necessary to this position.

2140 **Section 60. The City Transportation Regulation Officer.** – (a) The City Chief
2141 Transportation Regulation Officer must be a citizen of the Philippines, a resident of the City of
2142 Malay Boracay, of good moral character, a holder of a college degree preferably in Urban
2143 Planning, Transport Planning, Engineering, and/or any related courses from a recognized
2144 college or university, and a second level civil service eligible or its equivalent. He must have
2145 acquired experience in transportation planning and regulation for at least five (5) years
2146 immediately preceding the date of his appointment.

2147 (b) The City Transportation Regulation Officer shall receive compensation,
2148 emoluments, and allowances as may be determined by law.

2149 (c) The City Transportation Regulation Officer shall take charge of the City
2150 Transportation Regulation Department, and shall:

2151 (1) Develop plans and strategies and, upon approval thereof by the City Mayor,
2152 implement the same, which the City Mayor is empowered to implement and
2153 which the Sangguniang Panlungsod is empowered to provide;

2154 (2) Implement the provision of the City Traffic Code;

2155 (3) Monitors and manages transportation activities and operations;

2156 (4) Handle and direct the deployment of transportation units while adhering to
2157 legal requirements and safety regulations;

2158 (5) Arranging schedules, overseeing vehicle movements, and setting routes;

2159 (6) Perform such other duties and functions and exercise such other powers as
2160 may be prescribed by law or ordinance.

2161 **Section 61. The City College Administrator.** – (a) The City College Administrator must be
2162 a citizen of the Philippines, a resident of the City of Malay Boracay, of good moral character,
2163 a holder of a doctorate degree preferably in Educational Management, and a second-level civil
2164 service eligible or its equivalent. He must have acquired experience in administering any
2165 accredited tertiary educational institution in the Philippines for at least five (5) years
2166 immediately preceding the date of his appointment.

2167 (b) The City College Administrator shall receive compensation, emoluments, and
2168 allowances as may be determined by law.

2169 (c) The City College Administrator shall take charge of the Malay City College, and
2170 shall:

2171 (1) He/ She shall, on behalf of the Board of Trustees, have general supervision
2172 over all academic, administrative, and financial operations of the college;

2173 (2) Promulgate and enforce general policies affecting the college and shall take
2174 action which, in his judgment, is necessary for the protection of life, right,
2175 property, and general welfare of the college;

2176 (3) Recommend to the Board the appointment of a qualified person to fill all
2177 vacancies and new positions; may designate officials to perform functions in a
2178 concurrent capacity without additional compensation, and may request job
2179 orders;

2180 (4) Institute disciplinary actions against any personnel, or faculty for culpable
2181 violation of Civil Service Laws and School Policies, and against any student of
2182 the college whose action adversely affects the general interest and good name
2183 of the college, subject to the due process and approval of the Board of Trustees;

2184 (5) Decide appeals in controversies involving ranking officials, faculty, and
2185 personnel of the college when the penalty imposed exceeds thirty (30) days;

2186 (6) Grant or deny sabbatical leaves and leaves of absence without pay and/ or
2187 extension of such leaves, as well as extension of fellowship or any form of
2188 scholarship for a period not exceeding one academic semester, if the budget
2189 permits and for a reason that may be deemed satisfactory, subject to appeal to
2190 the Board of Trustees;

2191 (7) Grant permission for use of the building and premises of the college for
2192 academe, professional, scientific, and technology conventions, and other related
2193 non-academic activities with a fee fixed by the board;

2194 (8) Sign and execute all contracts, deeds, and instruments for the college, subject
2195 to the approval of the Board;

2196 (9) Cause the preparation of the annual budget of the college and submit the
2197 same for review, consideration, and approval of the Board of Trustees;

2198 (10) Cause the preparation of the annual year-end report for the current year;

2199 (11) Perform such other powers as elsewhere provided in this charter as may be
2200 specifically authorized by the Board of Trustees and such other powers usually
2201 pertaining to the office of the College Administrator. He/she may delegate in
2202 writing any of his specific functions to any office;

2203 (12) Develop plans and strategies and, upon approval thereof by the City Mayor,
2204 implement the same, which the City Mayor is empowered to implement and
2205 which the Sangguniang Panlungsod is empowered to provide; and

2206 (13) Perform such other duties and functions and exercise such other powers as
2207 may be prescribed by law or ordinance.

2208 **Section 62. The City Building and Architecture Officer.** - (a) The City Building and
2209 Architecture Officer shall be appointed by the Secretary of the Department of Public Works
2210 and Highways (DPWH) from a list of at least three (3) ranking eligible recommendees of the
2211 City Mayor, subject to civil service law, rules, and regulations.

2212 (b) The City Building and Architecture Officer shall be under the administrative
2213 supervision of the City Mayor, to whom the City Building and Architecture Officer
2214 shall report regularly;

2215 (c) The City Building and Architecture Officer must be a citizen of the Philippines, a
2216 resident of the City of Malay Boracay, of good moral character, a licensed architect or
2217 civil engineer, a member of good standing of a duly accredited organization of his
2218 profession and have practiced his profession for at least five (5) years with diversified
2219 and professional experience in building design and construction, and attended and
2220 successfully completed a seminar workshop on Presidential Decree No. 1096,
2221 otherwise known as the National Building Code, conducted by the DPWH.

2222 (d) The City Building and Architecture Officer shall receive compensation,
2223 emoluments, and allowances as may be determined by law.

2224 (e) The City Building and Architecture Officer shall take charge of the City Building
2225 and Architecture Office, independent of the City Engineering Office, and shall:

2226 (1) Be primarily responsible for the enforcement of the provisions of the
2227 National Building Code and its implementing rules and regulations, as well as
2228 circulars, memoranda, opinions, and decisions/orders issued pursuant thereto.
2229 His actions shall always be guided by appropriate orders/directives from the
2230 Secretary of the DPWH;

2231 (2) Have overall administrative control and/or supervision over all works
2232 pertinent to buildings/structures in his area of responsibility and shall be
2233 charged with the processing of all permit applications and certificates, as well
2234 as the issuance of the same;

2235 (3) Ensure that all changes, modifications, and alterations in the design plans
2236 during the construction phase shall not start until the modified design plan has
2237 been evaluated and the necessary amendatory permit issued.

2238 (4) Undertake annual inspections of all buildings/structures and keep an up-to-
2239 date record of their status;

2240 (5) Keep a permanent record and accurate account of all fees and other charges
2241 fixed and authorized to be collected and received under Presidential Decree No.
2242 1096, otherwise known as the National Building Code; and

2243 (6) Perform other duties and functions, and exercise such other powers as
2244 provided under the National Building Code, as amended, and those that are
2245 prescribed by law or ordinance, or as may thereafter be delegated to him from
2246 time to time.

2247 **Section 63. The City Sports Development Officer.** – (a) The City Sports Development
2248 Officer must be a citizen of the Philippines, a resident of the City of Malay Boracay, of good
2249 moral character, a holder of a college degree preferably in Physical Education, Sports Sciences,
2250 Sports Development, and/or any related courses from a recognized college or university, and a
2251 second level civil service eligible or its equivalent. He must have acquired experience in Sports
2252 Development or in any related field for at least five (5) years immediately preceding the date
2253 of his appointment.

2254 (b) The City Sports Development Officer shall receive such compensation,
2255 emoluments, and allowances as may be determined by law.

2256 (c) The City Sports Development Officer shall take charge of the City Sports
2257 Development Office, and shall:

2258 (1) Develop plans and strategies and, upon approval thereof by the City Mayor,
2259 implement the same, particularly those which have to do with youth and sports
2260 programs and projects which the City Mayor is empowered to implement and
2261 which the Sangguniang Panlungsod is empowered to provide;

2262 (2) Plan and formulate a blueprint of a well-synchronized, year-round calendar
2263 of sports and games activities, competitions, and events, as well as physical
2264 fitness activities;

2265 (3) Organize sports and games-related projects and programs, including
2266 coaching and training, thereby assisting in the identification, recruitment, and
2267 training of gifted, promising, and talented athletes in the City, discovering
2268 talents at the grassroots level;

- 2269 (4) Oversee and ensure implementation of the physical fitness and sports
2270 program and activities of the City;
- 2271 (5) Formulate rules and regulations governing all sports of competitions;
- 2272 (6) Formulate safety and security plans prior to the conduct of
2273 competitions/events in coordination with the PNP, Coast Guard, CDRRMO,
2274 and other concerned offices;
- 2275 (7) Require all sports coordinators to undergo training in First Aid and safety
2276 precautions;
- 2277 (8) Conduct debriefing meetings after every event or activity.
- 2278 (9) Allocate funds for the implementation of all related sports and games events
2279 and activities;
- 2280 (10) Perform other duties as may be directed by the City Mayor or the
2281 Sangguniang Panlungsod; and
- 2282 (11) Perform such other duties and functions and exercise such other powers as
2283 may be prescribed by law or ordinance.

2284 **Section 64. The City Information Officer.** - (a) The City Information Officer must be a
2285 citizen of the Philippines, a resident of the City of Malay Boracay, of good moral character, a
2286 holder of bachelor's degree preferably in journalism, mass communications, or any related
2287 course from a recognized college or university, a first grade civil service eligible or its
2288 equivalent and must have acquired at least three (3) years experience in writing articles and
2289 research papers, or writing for print, television, or broadcast media,

2290 (b) The City Information Officer shall receive such compensation, emoluments, and
2291 allowances as may be determined by law.

2292 (c) The term of the City Information Officer shall be coterminous with that of the
2293 appointing authority;

2294 (d) The City Information Officer shall take charge of the Office of the City Information
2295 and Community Relations Department, and shall:

- 2296 (1) Formulate measures for the consideration of the Sangguniang Panlungsod
2297 and provide technical assistance and support to the City Mayor in providing the
2298 appropriate information and research data required for the delivery of basic
2299 services and provision of adequate facilities so that the public becomes aware
2300 of said services and may fully avail of the same;
- 2301 (2) Develop plans and strategies, and upon approval thereof by the City Mayor,
2302 implement the same, particularly those which have to do with public
2303 information and research data to support programs and projects which the City
2304 Mayor is empowered to implement and which the Sangguniang Panlungsod is
2305 empowered to provide;
- 2306 (3) Provide relevant, adequate, and timely information to the City and its
2307 residents;
- 2308 (4) Furnish information and data on the local government agencies or offices as
2309 may be required by law or ordinance, and nongovernmental organizations to be
2310 furnished to said agencies and organizations;
- 2311 (5) Maintain effective liaison with the various sectors of the community on
2312 matters and issues that affect the livelihood and the quality of life of the City's
2313 inhabitants and encourage support for programs of the local and National
2314 Government;
- 2315 (6) Be in the frontline in providing information during and in the aftermath of
2316 man-made and natural calamities and disasters or calamities, with special
2317 attention to the victims thereof, to help minimize injuries and casualties during
2318 and after the emergency, and to accelerate relief and rehabilitation;
- 2319 (7) Recommend to the Sangguniang Panlungsod and advise the City Mayor on
2320 all matters relative to public information and research data as it relates to the
2321 total socioeconomic development of the City; and
- 2322 (8) Perform such other duties and functions, and exercise such other powers as
2323 provided under the Local Government Code of 1991, as amended, and those
2324 that are prescribed by law or ordinance.

2325 **ARTICLE VIII**

2326 **THE CITY FIRE STATION SERVICE, THE CITY JAIL**
2327 **SERVICE, THE CITY SCHOOLS DIVISION, AND THE CITY**
2328 **PROSECUTION SERVICE**

2329 **Section 65. The City Fire Station Service.** - (a) There shall be established in the City at least
2330 one (1) fire station with adequate personnel, firefighting facilities, and equipment, subject to
2331 the standards, rules, and regulations that may be promulgated by the DILG. The City shall
2332 provide the necessary land or site for the station.

2333 (b) The city fire station shall be headed by a city fire marshal whose qualifications shall
2334 be as those provided for under Republic Act No. 9263, as amended, otherwise known
2335 as the Bureau of Fire Protection and Bureau of Jail Management and Penology
2336 Professionalization Act of 2004.

2337 (c) The city fire station shall be responsible for providing emergency services such as
2338 the rescue and evacuation of injured people related to incidents and, in general, all fire
2339 prevention and suppression measures to secure the safety of life and property of the
2340 citizenry.

2341 **Section 66. The City Jail Service.** – (a) There shall be established and maintained in the city
2342 a secured, clean, adequately equipped and sanitary jail facility for the custody and safekeeping
2343 of prisoners, any fugitive from justice, or person detained awaiting investigation or trial and/or
2344 violent mentally ill person who endangers himself or the safety of others, duly certified as such
2345 by the proper Medical Health Officer, pending the transfer to a mental institution.

2346 (b) The city jail service shall be headed by a City Jail Warden whose qualifications shall
2347 be as those provided for under Republic Act No. 9263, as amended, otherwise known
2348 as the Bureau of Fire Protection and Bureau of Jail Management and Penology
2349 Professionalization Act of 2004. One shall assist in the immediate rehabilitation of
2350 individuals or detention of prisoners. Great care must be exercised so that the human
2351 rights of these prisoners are respected and protected, and their spiritual and physical
2352 well-being are properly and promptly attended to.

2353 **Section 67. The City Schools Division.** - (a) There shall be established and maintained by the
2354 DepED a city school division of the City of Malay Boracay, headed by a City Schools Division
2355 Superintendent.

2356 (b) The City Schools Division shall be headed by a City Schools Division
2357 Superintendent who must possess the necessary qualifications required by the DepED.

2358 **Section 68. The City Prosecution Service.** - (a) There shall be established in the city a City
2359 Prosecution Service to be headed by a City Prosecutor and such number of Assistant City
2360 Prosecutors, as may be necessary, who shall be organizationally part of the Department of
2361 Justice (DOJ), and under the supervision and control of the Secretary of Justice and whose
2362 qualifications, manner of appointment, rank, salary and benefits shall be governed by existing
2363 laws covering prosecutors in the DOJ.

2364 (b) The City Prosecutor shall handle the criminal prosecution in the Municipal Trial
2365 Courts in the city as well as in the Regional Trial Courts for criminal cases originating
2366 in the territory of the city, and shall render to or for the city such services as are required
2367 by law, ordinance, or regulation of the DOJ.

2368 (c) The Secretary of Justice shall always ensure the adequacy and the quality of
2369 prosecution service in the city and for this purpose, shall, in the absence or lack or
2370 insufficiency in number of Assistant City Prosecutors as provided hereinabove,
2371 designate from among the Assistant Provincial Prosecutors a sufficient number to
2372 perform and discharge the functions of the city prosecution service as provided
2373 hereinabove.

2374 **ARTICLE IX**

2375 **THE CITY REGISTRY OF DEEDS**

2376 **Section 69. The City Registry of Deeds Office.** - There shall be established in the City a
2377 Registry of Deeds Office, subject to the standards, rules, and regulations as may be
2378 promulgated by the DOJ, which shall discharge its duties under the general supervision of the
2379 Administrator of the Land Registration Authority and the Secretary of the DOJ.

2380 **Section 70. The City Register of Deeds.** - (a) The City Register of Deeds shall be the head of
2381 the City Registry of Deeds Office. He must be a citizen of the Philippines, of good moral

2382 character, a member of the Integrated Bar, and must have practiced his profession for at least
2383 five (5) years immediately preceding the date of his appointment.

2384 (b) The City Register of Deeds shall receive such compensation, emoluments, and
2385 allowances as may be determined by law.

2386 (c) The City Register of Deeds shall take charge of the City Registry of Deeds Office
2387 and shall perform such duties and functions and exercise such other powers as provided
2388 by law.

2389 ARTICLE X

2390 RECLAMATION OF FORESHORE LANDS AND OWNERSHIP OF WATERWORK 2391 SYSTEM, WATER SPRINGS, OR WATER SOURCES

2392 **Section 71. Reclamation of Foreshore Lands.** The City alone shall have the authority to
2393 reclaim foreshore lands, including submerged lands within its jurisdiction in accordance with
2394 the provisions of Republic Act No. 1899: Provided, however, that should the city desire to
2395 reclaim the said foreshore lands and submerged lands through third parties, the contracts
2396 relating thereto shall become effective only when the said contracts shall have been approved
2397 by the Sangguniang Panlungsod and the City Mayor.

2398 **Section 72. Ownership of Waterworks System, Water Springs or Water Sources, Roads,
2399 Streets, etc.** Notwithstanding the provision of Republic Act No. 1383 and other existing laws,
2400 all existing waterworks belonging to the national government, water springs, and water sources
2401 shall be owned by the City of Malay Boracay, and all revenues therefrom shall accrue to the
2402 general fund of the city. All existing municipal, provincial and national roads, streets, bridges,
2403 docks, piers, wharves, machineries, equipment and other public works improvements shall be
2404 owned by the City of Malay Boracay *except those that are pre-owned by the Provincial
2405 Government, Philippine Ports Authority, Tourism Infrastructure and Enterprise Zone
2406 Authority and other National Government Agencies unless turned-over to the City
2407 Government of Malay.*”

2408 ARTICLE XI

2409 TRANSITORY AND FINAL PROVISIONS

2410 **Section 73. Municipal Ordinances Existing Ordinances at the Time of the Approval of**
2411 **this Act.** All municipal ordinances of the Municipality of Malay existing at the time of the
2412 approval of this Act shall continue to be in force within the City of Malay Boracay until the
2413 Sangguniang Panlungsod shall, by ordinance, provide otherwise.

2414 **Section 74. Fiscal Management.** The City of Malay Boracay, after the effectivity of this Act,
2415 shall implement the prescribed share in the General Funds every fiscal year and the succeeding
2416 years in this manner:

2417 (a) The Personal Services shall adhere to the prescribed limit specified in Section 325
2418 (a) of the Local Government Code of 1991, as amended.

2419 (b) The Local Development Projects shall adhere to the prescribed share stated in
2420 Section 287 of the Local Government Code of 1991, as amended.

2421 (c) The Disaster Risk Reduction and Management Fund shall adhere to the prescribed
2422 share stated in Section 324 (d) of the Local Government Code of 1991, as amended,
2423 and the Philippine Disaster Risk Reduction and Management Act of 2010.

2424 (d) The Gender and Development programs and projects shall adhere to the prescribed
2425 share stated in Republic Act No. 9710, otherwise known as the Magna Carta of Women.

2426 (d) The programs and projects for Solid and Liquid Waste Management (SLWM) and
2427 Environmental Management and Protection allocation shall not exceed 15% of the total
2428 budget of each year;

2429 (e) The City Government of Malay Boracay shall allocate at least 1% of the total budget
2430 of each year for Research and Development programs and projects;

2431 (f) The Other Statutory Appropriations shall be at least 1.5% of the total budget; and

2432 (g) The Other Maintenance and Operating Expenses allocation other than that of GAD,
2433 DRRM, SLWM, and Environmental Management Protection, Statutory Obligations,
2434 and Other Capital Outlays shall not exceed 24% of the total budget.

2435 (h) The entire operation of the Health Services, including their personal services, shall
2436 not be below 5% of the total budget of each fiscal year.

2437 (i) The entire operation of the Social Services, including their personal services, shall
2438 not be below 3% of the total budget of each fiscal year.

2439 (j) The City of Malay Boracay shall share at least 1% of the City Income realized in the
2440 next preceding year of the proposed budget year to the component barangays to be
2441 known as City Income Allotment (CIA). The CIA will be automatically downloaded to
2442 the respective component barangays. In the first two (2) years after the effectivity of
2443 this Act, the CIA shall be based on the income realized in the next preceding year where
2444 the LGU was a municipality. The CIA will be utilized by the component barangays in
2445 the following manner: a) 50% of the CIA shall be allocated to development projects in
2446 the barangay concerned; b) the other 50% shall form part of their respective general
2447 funds. A menu of development projects will be provided by the City Planning and
2448 Development Office to ensure the projects are aligned with the City's Development
2449 Plan.

2450 **Section 75. Land Banking Program.** The City of Malay Boracay, after the effectivity of this
2451 Act, shall implement a land banking program within the City limits to be fulfilled for a period
2452 of 50 years until it reaches 500 hectares. This land will be a multipurpose spaces to house all
2453 the City Government facilities to serve the public such as but not limited to health, social,
2454 educational, public dwelling, recreational spaces, green spaces, public spaces, pedestrian
2455 spaces, public easement, cemetery, the city's economic enterprises, business districts,
2456 information technology parks, road right of way and other spaces deem necessary for city's
2457 growth while sustaining the community livable for generations. To achieve the goal of this
2458 program, the City Government shall allocate not less than 5% of the total budget in the current
2459 and succeeding years. If the 500 hectares are not attained within 50 years, the prescribed
2460 allocation shall continue to be appropriated until the required land is realized. However, if the
2461 required land is fulfilled sooner than 50 years, the prescribed allocation will no longer be
2462 imposed, except when the city government necessitates further land acquisition projects. The
2463 prescribed allocation is attributable to other funding sources of the general fund.

2464 **Section 76. Tax Moratorium.** Upon the effectivity of this Act, the City of Malay Boracay
2465 shall maintain a tax moratorium for five (5) years, wherein no increase in the rates of taxes
2466 shall be imposed. Furthermore, it shall abide by the provisions of the Local Government Code
2467 of 1991, as amended, which limit the authority of local government units in adjusting tax rates,

2468 which shall not be oftener than once every five (5) years, but in no case shall such adjustment
2469 exceed ten percent (10%) of the rates fixed under the Code.

2470 **Section 77. Plebiscite.** The City of Malay Boracay shall acquire corporate existence upon the
2471 ratification of its creation by a majority of the votes cast by the qualified voters in a plebiscite
2472 to be conducted in the present Municipality of Malay within sixty (60) days from the approval
2473 of this Act.

2474 The Commission on Elections shall conduct and supervise such plebiscite. The expenses for
2475 such a plebiscite shall be borne by the Municipality of Malay.

2476 **Section 78. Holdover Authority of the Officials of the Municipality of Malay.** The present
2477 elective officials of the Municipality of Malay shall continue to exercise their powers and
2478 functions until such time that a new election is held and the duly-elected officials shall have
2479 already qualified and assumed their offices. The appointive officials and employees of the city
2480 shall likewise continue exercising their functions and duties, and they shall be automatically
2481 absorbed by the City Government of Malay Boracay.

2482 **Section 79. Succession Clause.** The City of Malay Boracay shall succeed to all the assets,
2483 properties, liabilities, and obligations of the Municipality of Malay.

2484 **Section 80. Election of Provincial Governor and Sangguniang Panlalawigan Members of**
2485 **the Province of Aklan.** - The qualified voters of the City of Malay Boracay shall be qualified
2486 to vote and run for any elective position in the elections for Provincial Governor, Provincial
2487 Vice Governor, Sangguniang Panlalawigan members, and other elective offices of the Province
2488 of Aklan.

2489 **Section 81. Jurisdiction of the Province of Aklan.** - The City of Malay Boracay shall, unless
2490 otherwise provided by law, continue to be under the jurisdiction of the Province of Aklan.

2491 **Section 82. Legislative District.** Until otherwise provided by law, the City of Malay Boracay
2492 shall continue to be a part of the Second Congressional District of the Province of Aklan.

2493 **Section 83. Applicability of Laws.** The Local Government Code of 1991, as amended, other
2494 laws pertaining to the Province of Aklan, and such laws as are applicable to cities shall govern
2495 the City of Malay Boracay insofar as they are not inconsistent with the provisions of this Act.

2496 Provided, however, that the land requirement prescribed under Republic Act No. 11683 shall
2497 not apply to the City of Malay Boracay.

2498 **Section 84. Separability Clause.** If, for any reason or reasons, any part or provisions of this
2499 Charter shall be held unconstitutional, invalid or inconsistent with the Local Government Code
2500 of 1991, as amended, the other parts or provisions hereof which are not affected thereby shall
2501 continue to be in full force and effect.

2502 **Section 85. Effectivity Clause.** This Act shall take effect fifteen (15) days after its publication
2503 in the Official Gazette or in a newspaper of general circulation.

Approved,