

RECENT LEGISLATIONS

[REPUBLIC ACT NO. 2264]

AN ACT AMENDING THE LAWS GOVERNING LOCAL GOVERNMENTS BY INCREASING THEIR AUTONOMY AND REORGANIZING PROVINCIAL GOVERNMENTS.

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

SECTION 1. Provincial, city, municipal and regularly organized municipal district budgets. — Any provision of existing law to the contrary notwithstanding, and provided that a provincial, municipal, regularly organized municipal district or city budget appropriates an aggregate amount not exceeding the estimated tax receipts and/or income for the ensuing year, certified collectible by the Provincial Treasurer in the cases of provinces, municipalities and regularly organized municipal districts, and by the City Treasurer in the case of cities: And provided, That provisions have been made for the statutory and/or current contractual obligations of the province, city, municipality or regularly organized municipal district: And provided, That no official or employee shall receive a salary higher than the maximum salary provided by subsisting salary laws and executive orders, the provincial budget shall be in full force and effect on the date therein fixed for its effectivity by the Provincial Board, the city budget shall be in full force and effect on the date therein fixed for its effectivity by the Municipal Board or City Council of the city with the approval of the City Mayor, and the municipal and regularly organized municipal district budget shall be in full force and effect on the date therein fixed for its effectivity by the municipal council of the municipality or municipal district with the approval of the municipal mayor.

If the provincial board, municipal board or city council of the city, or municipal council of the municipality or regularly organized municipal district shall fail to enact a budget before the beginning of the ensuing fiscal year, the budget for the preceding fiscal year shall be deemed re-enacted. Changes in the budget may be effected by supplemental budgets prepared and adopted in the same manner as the annual budget.

Copies of the provincial and city budgets shall be furnished the Secretary of Finance within ten days from their approval, who shall have the power to review such budgets in order to see to it that the above provisions and conditions are complied with. If within ninety days after submission to the Secretary of Finance, the secretary takes no action, the said budget shall be deemed to have complied with the above provisions. If within ninety days after submission to him of the budget and upon examination thereof the Secretary of Finance shall determine that the provisions of the Salary Laws and Executive Orders have been violated, he shall advise in writing the Provincial

Treasurer or City Treasurer, as the case may be. Following receipt of such advice from the Secretary of Finance, it shall be unlawful for the Provincial or City Treasurer, as the case may be, to make further disbursement of funds for any of the items or purposes in question except as may be expressly authorized in said advice by the Secretary of Finance, unless the budget shall have been corrected or revised to meet the objections presented in said advice, and until such correction or revision shall have been submitted to and approved by the Secretary of Finance, which approval may not be unreasonably withheld.

Upon ascertaining that the provincial or city budget has not made provisions for all statutory and/or current contractual obligations of the province or city, or that said budget has appropriated an aggregate amount exceeding the estimated tax receipts or income for the ensuing year, the Secretary of Finance shall, within ninety days after receipt of the provincial or city budget, have the power to declare the same as inoperative and to return the budget forthwith to the corresponding Provincial Governor or City Mayor for proper adjustment, in which event, the province or city concerned shall operate on the previous year's budget until such time as a new budget shall have been made meeting the objections presented by the Secretary of Finance.

Copies of the municipal and regularly organized municipal district budgets shall be furnished the Provincial Treasurer within ten days from their approval, who shall have the power to review such budgets in order to see to it that the above provisions are complied with. If within ninety days after submission the Provincial Treasurer takes no action, the said budget shall be deemed to have complied with the above provisions. If within ninety days after submission to him of the budget and upon examination thereof the Provincial Treasurer shall determine that the provisions of the Salary Laws and Executive Orders have been violated, he shall advise the municipal or regularly organized municipal district treasurer, as the case may be. Following receipt of such advice from the Provincial Treasurer, it shall be unlawful for the Municipal or regularly organized Municipal District Treasurer, as the case may be, to make further disbursements of funds for any of the items or purposes in question except as may be expressly authorized in said advice of the Provincial Treasurer, unless the budgets shall have been corrected or revised to meet the objections presented in said advice, and until such correction or revision shall have been admitted and approved by the Provincial Treasurer, which approval may not be unreasonably withheld.

Upon ascertaining that the municipal or municipal district budget has not made provision for all statutory and/or current contractual obligations of an aggregate amount exceeding the estimated tax receipts or income for the the municipality or municipal district, or that said budget has appropriated an aggregate amount exceeding the estimated tax receipts or income for the ensuing year, the Provincial Treasurer, shall within ninety days after receipt of the municipal or municipal district budget, have the power to declare the same as inoperative and to return the budget forthwith to the corresponding municipal or regularly organized municipal district mayor for the proper ad-

justment, in which event, the municipality or regularly organized municipal district concerned shall operate on the previous year's budget until such time as a new budget shall have been made meeting the objections presented by the Provincial Treasurer.

SEC. 2. Taxation.—Any provision of law to the contrary notwithstanding, all chartered cities, municipalities and municipal districts shall have authority to impose municipal license taxes or fees upon persons engaged in any occupation or business, or exercising privileges in chartered cities, municipalities or municipal districts by requiring them to secure licenses at rates fixed by the municipal board or city council of the city, the municipal council of the municipality, or the municipal district council of the municipal district; to collect fees and charges for services rendered by the city, municipality or municipal district; to regulate and impose reasonable fees for services rendered in connection with any business, profession or occupation being conducted within the city, municipality or municipal district and otherwise to levy for public purposes, just and uniform taxes, licenses or fees: **Provided, That** municipalities and municipal districts shall, in no case, impose any percentage tax on sales or other taxes in any form based thereon nor impose taxes on articles subject to specific tax, except gasoline, under the provisions of the national internal revenue code: **Provided, however, That** no city, municipality or municipal district may levy or impose any of the following:

- (a) Residence tax;
- (b) Documentary stamp tax;
- (c) Taxes on the business of persons engaged in the printing and publication of any newspaper, magazine, review or bulletin appearing at regular intervals and having fixed prices for subscription and sale, and which is not published primarily for the purpose of publishing advertisements;
- (d) Taxes on persons operating waterworks, irrigation and other public utilities except electric light, heat and power;
- (e) Taxes on forest products and forest concessions;
- (f) Taxes on estates, inheritances, gifts, legacies, and other acquisitions mortis causa;
- (g) Taxes on income of any kind whatsoever;
- (h) Taxes or fees for the registration of motor vehicles and for the issuance of all kinds of license or permits for the driving thereof;
- (i) Customs duties registration, wharfage on wharves owned by the national government, tonnage, and all other kinds of customs fees, charges and dues;
- (j) Taxes of any kind on banks, insurance companies, and persons paying franchise tax; and
- (k) Taxes on premiums paid by owners of property who obtain insurance directly with foreign insurance companies.

A tax ordinance shall go into effect on the fifteenth day after its passage, unless the ordinance shall provide otherwise: **Provided, however, That** the Secretary of Finance shall have authority to suspend the effectivity of any

ordinance within one hundred and twenty days after its passage, if in his opinion the tax or fee therein levied or imposed is unjust, excessive, oppressive, or confiscatory, and when the said secretary exercises this authority the effectivity of such ordinance shall be suspended.

In such event the municipal board or city council in the case of cities and the municipal council or municipal district council in the case of municipalities and municipal districts may appeal the decision of the Secretary of Finance to the court during the pendency of which case the tax levied shall be considered as paid under protest.

SEC. 3. Additional powers of provincial boards, municipal boards or city councils and municipal and regularly organized municipal district councils.—Provincial Boards of the respective provinces shall have authority:

(a) To appropriate money for purposes not specified by law, having in view the general welfare of the province and the inhabitants;

(b) To appropriate money for loans or aids to municipalities or municipal districts of the province under such terms and conditions as the provincial boards may fix;

(c) To exercise upon favorable recommendation by the municipal council of the municipality if the project is within one municipality, and if the project shall be constructed within two or more municipalities, upon favorable recommendation by the district highway engineer who shall give a previous hearing to the municipal councils of the municipalities concerned, the power of eminent domain for the following purposes: the construction or extension of roads, streets, sidewalks, bridges, ferries, levees, wharves, or piers, air fields, the construction of public buildings including school houses and the making of necessary improvements in connection therewith; the establishment of parks; playgrounds, plazas, market places, artesian wells, or systems for the supply of water, irrigation canals and dams, and the establishments of nurseries, breeding centers for animals, health centers, hospitals, cemeteries, drainage systems, cesspools, or sewage systems and abattoirs;

(d) Subject to the public service law to permit upon favorable recommendations by the municipal council of the municipality or municipalities where the project is situated and the District Engineer and subject to such conditions as may properly protect the public interests, the construction and maintenance, and provide use of railways, conduits and telephone lines across public thoroughfares, streets, roads, or other public property in the province provided that such construction and private use shall not prevent or obstruct the public use of such thoroughfare, streets, roads, and other public property and the permit granted shall at all times be subject to revocation by the President if the public interest requires it;

(e) Create, and define boundaries of barrios and sitios in the provinces upon petition of a majority of the voters in the areas affected;

(f) Change names of barrios, sitios, and public buildings upon the recommendation of the Municipal Council not oftener than once every ten years: Provided, That the change of names of barrios or sitios shall be upon petition of a majority of the voters in those areas.

Municipal Boards or City Councils of the respective cities shall have authority:

- (a) To appropriate money for purposes not specified by law, having in view the general welfare of the city and its inhabitants;
- (b) Authorize payment of uniforms of the members of its police forces;
- (c) Create, define boundaries and change the names of barrios and sitios in the cities upon petition of a majority of the voters in the areas affected; change the names of public buildings and public streets located within the boundaries of the city, not oftener than once every ten years.

Municipal councils of municipalities and regularly organized municipal districts shall have authority:

- (a) To create a legal division or office in their respective municipalities to be headed by an attorney-at-law appointed by the mayor with the approval of the council and whose compensation shall be fixed by such council. Such head of office shall be known as the municipal attorney and shall act as legal counsel of the municipality and perform such duties and exercise such powers as may be assigned to him by the council. A member of the council who is an attorney-at-law may be appointed as such municipal attorney without any further compensation;
- (b) To appropriate money for purposes not specified by law, having in view the general welfare of the municipality or organized municipal district concerned and its inhabitants;
- (c) To change the names of public buildings and public streets located within the boundaries of the municipality organized municipal district, not oftener than once every ten years.

Authority to hold benefits.—Authority is hereby granted to City Mayors and Municipal Mayors to grant permits to hold benefits, excepting cockfighting and prohibited games of chance, for public and charitable purposes without requiring approval of the Office of the Social Welfare Administrator.

Power to adopt zoning and planning ordinances.—Any provision of law to the contrary notwithstanding, Municipal Boards or City Councils in cities, and Municipal Councils in municipalities are hereby authorized to adopt zoning and subdivision ordinances or regulations for their respective cities and municipalities subject to the approval of the City Mayor or Municipal Mayor, as the case may be. Cities and municipalities may, however, consult the National Planning Commission on matters pertaining to planning and zoning.

Purchasing.—Subject to auditing rules and regulations, provinces, cities and municipalities are hereby empowered to make purchase of materials, equipment and supplies that they respectively need either locally or elsewhere without the necessity of buying the same thru the Bureau of Supply: Provided, however,

- (a) That the price that shall be paid shall not exceed the maximum prices set by the Bureau of Supply;

(b) That before purchases are effected of supplies, material and equipment requiring scientific tests, samples should first be forwarded to the Institute of Science and Technology and/or the Materials Testing Laboratories of the Bureau of Public Highways for analysis, and equipment should be referred to the Bureau of Public Highways or Public Works for complete specifications after which the reports of the Institute of Science and Technology and/or Materials Testing Laboratories of the Bureau of Public Highways or Bureau of Public Works should be made the basis for the purchase;

(c) That purchases shall be made by public bidding, and awards shall be made by the Provincial, City or Municipal Committee on Award, composed of the Provincial Governor, Provincial Auditor and Provincial Treasurer in the case of provinces; the City Mayor, City Auditor, and City Treasurer in the case of cities; or by the Municipal Committee on Award composed of the Municipal Mayor, the Municipal Treasurer and a councilor chosen by the Municipal Council in the case of municipalities and regularly organized municipal districts.

All purchases before being paid by the provincial, city or municipal treasurer shall be certified by the chief of the office concerned that they conform to the specifications as to quality, quantity and prices actually being paid for.

The Bureau of Supply shall furnish all provinces, cities and municipalities a list of current government prices and specifications of materials, equipments and supplies at least once every three months.

Notwithstanding the foregoing provisions on purchases by public bidding, a purchase not exceeding five thousand pesos in case of province and chartered cities and one thousand pesos in case of municipalities and municipal districts, may be effected without public bidding, but after a canvass of prices in the province or municipality by the representatives of the provincial governor and provincial treasurer, or by the representative of the city, municipal or municipal district mayor, treasurer and councilor chosen by the council, as refers to the province, city, municipality or municipal district, respectively.

Authority to execute provincial, city and municipal public works projects.-- The provinces, cities and municipalities are hereby authorized to undertake and carry out any public works projects, financed by the provincial, city and municipal funds or any other fund borrowed from or advanced by private third parties under the supervision of the District Engineer in the case of provinces and municipalities, and of the City Engineer in the case of cities, without the intervention of the Department of Public Works and Communications. The approval of plans and specifications thereof by the Provincial Governor and the District Engineer in the case of provinces and municipalities, and by the City Mayor and the City Engineer in the case of cities, respectively, with the favorable recommendation of the provincial board, city or municipal council shall constitute sufficient warrant for the undertaking and execution of said projects. Provinces, cities and municipalities, however, may consult if they so desire the Department of Public Works and Communications in connection with the preparation of plans and specifications for provincial, city or municipal public works projects. Provinces, cities and municipalities are likewise autho-

rized to execute provincial, city, or municipal public works projects either by administration or by contracts under the usual bidding procedure of the government: Provided, That in the case where expenditure of public funds is not involved, public bidding may be dispensed with.

SEC. 4. The Vice-Governor and succession to the Office of Governor.—There shall be in every province a provincial vice-governor who shall be in the same manner as provincial governor and who, at the time of his election, shall have the same qualifications as the provincial governor. The vice-governor shall assume the office of provincial governor for the unexpired term of the latter in the event of permanent vacancy in the office of provincial governor.

Should the provincial governor-elect die before assumption of office or fail to qualify for any reason, the provincial vice-governor-elect shall assume the office of provincial governor, but in the latter case, he shall hold office only until the provincial governor-elect qualifies.

In the event of temporary incapacity of the absence on leave, sickness, or any temporary incapacity, the vice-governor shall perform the duties and exercise the powers of the provincial governor that may be delegated to him in writing by the provincial governor during the period of the governor's temporary incapacity, and he shall receive the same salary as that of the governor.

Any provision of law to the contrary notwithstanding, the vice-governor shall be entitled to per diems, allowances and other privileges as are granted to members of the provincial board.

SEC. 5. Composition of the Provincial Board.—The provincial board in first, second and third class provinces shall be composed of the provincial governor, who shall be the presiding officer of the board, the vice-governor, and three other members who shall be elected at large by the qualified electors of the province. The provincial board in fourth, fifth, sixth, and seventh class provinces shall be composed of the provincial governor, who shall be the presiding officer of the board, the vice-governor, and two other members who shall be elected at large by the qualified electors of the province. The presence of three members shall constitute a quorum for the transaction of business by the board. In case of a tie on any matter deliberated upon by the board, the side in favor of which the governor has voted, shall prevail. In the absence of the governor, the vote of the majority of the members present shall constitute a binding act of the board.

SEC. 5—A. Qualifications of the members of the provincial board other than the governor and vice-governor.—No person shall be elected member of the provincial board other than the governor and the vice-governor unless, at the time of his election, he is a qualified voter of the province and has been a bona-fide resident therein for at least one year prior to his election and not less than twenty-three years of age.

SEC. 6. The first provincial vice-governor shall be elected in the general elections for provincial and municipal officers to be held next following the approval of this act.

SEC. 7. The city, municipal, and municipal district vice-mayor and succession to the office of mayor.—The vice-mayor of every city, municipality or municipal district shall assume the office of mayor for the unexpired term of the latter in the event of permanent vacancy in the office of the mayor. If for some reason the vice-mayor is incapacitated from assuming the office of mayor or refuses to assume such office, the councilor who obtained the largest number of votes in the local elections immediately preceding shall assume the office of mayor. If for some reason the councilor who obtained the largest number of votes in the local elections immediately preceding is incapacitated from assuming the office of mayor or refuses to assume such office, the councilor who obtained the next largest number of votes in the local elections immediately preceding shall assume the office of mayor, and so on until the permanent vacancy in the office of mayor is filled.

Should the mayor-elect die before assumption of office or fail to qualify for any reason, the vice-mayor-elect shall assume the office of mayor, but in the latter case, he shall hold such office only until the mayor-elect qualifies. If for some reason the vice-mayor-elect is incapacitated from assuming the office of mayor or refuses to assume such office, the councilor-elect who obtained the largest number of votes in the local elections immediately preceding shall assume the office of mayor. If for some reason the councilor-elect who obtained the largest number of votes in the local elections immediately preceding is incapacitated from assuming the office of mayor or refuses to assume such office, the councilor-elect who obtained the next largest number of votes in the local elections immediately preceding shall assume the office of mayor, and so on until the office of mayor is filled.

In the event of temporary incapacity of the mayor to perform the duties of his office on account of absence on leave, sickness, or any temporary incapacity, the vice-mayor shall perform the duties and exercise the powers of the mayor except the power to appoint, suspend or dismiss employees and in the event the vice-mayor is temporarily incapacitated to perform the duties of the office of mayor, the councilor who obtained the largest number of votes among the incumbent councilors in the local elections immediately preceding shall perform the duties and exercise the powers of the mayor except the power to appoint, suspend or dismiss employees.

The provisions of this section shall not apply to cities which have no elective mayors and/or vice-mayors.

SEC. 8. Effectivity of appointments by provincial governors, city mayors and municipal mayors.—Appointments by provincial governors, city mayors and municipal mayors shall become effective upon the issuance of such appointments and upon attestation by the provincial treasurer of provinces, in case of appointments made by provincial governors and municipal mayors, and by the city treasurer, in case of appointments made by city mayors. Provincial treasurers of provinces, and city treasurers of chartered cities are hereby deputized as deputies of the commissioner of civil service for the purpose of attesting to appointments made by provincial governors, city mayors and municipal mayors. Appointees of provincial governors and municipal mayors shall be entitled to collect the rate of compensation fixed for their appointments once said appointments have been attested to by the provincial treasurer in his

capacity as representative of the commissioner of civil service in the province; appointees of city mayors shall likewise be entitled to collect the rate of compensation fixed in their appointments once said appointments have been attested to by the city treasurer in his capacity as representative of the commissioner of civil service in the city: Provided, That temporary appointments to unclassified or emergency positions shall take effect immediately upon their issuance without the necessity of such attestation.

All appointments made by provincial governors, city mayors and municipal mayors shall, after being attested to by the respective provincial or city treasurer, be forwarded within ten days to the commissioner of civil service for review pursuant to civil service law and rules. If within one hundred eighty days after receipt of said appointments, the commissioner of civil service shall not have made any corrections or revisions, then such appointments are deemed to have been properly made; Provided, however, That in case of appointments, attested contrary to civil service law, rules and regulations, the provincial and city treasurer shall be responsible for the compensation received by the appointee from the time of the attestation of his appointment.

For purposes of this Section, provincial and city treasurers shall be under the supervision and control of the commissioner of civil service who shall issue rules and regulations relative to the attestation of appointments made by local government officials.

SEC. 9. All Acts, executive orders, administrative orders and proclamations or parts thereof inconsistent with any of the provisions of this Act are hereby repealed or modified accordingly: Provided, That rights already acquired and existing at the time of its passage shall not in anyway be abridged, modified and affected.

SEC. 10. Nothing herein contained shall be construed as depriving any province, city, municipality or municipal district of any power at present enjoyed or already exercised or done by it or as diminishing its autonomy.

SEC. 11. If any part or section of this Act shall be declared unconstitutional, such declaration shall not invalidate the other provisions thereof.

SEC. 12. Rules for the interpretation of the Local Autonomy Act.—

1. Implied power of a province, a city or municipality shall be liberally construed in its favor. Any fair and reasonable doubt as to the existence of the power should be interpreted in favor of the local government and it shall be presumed to exist.

2. The general welfare clause shall be liberally interpreted in case of doubt so as to give more power to local governments in promoting the economic condition, social welfare and material progress of the people in the community.

3. Vested rights existing at the time of the promulgation of this law arising out of a contract between a province, city or municipality on one hand and a third party on the other, should be governed by the original terms and provisions of the same, and in no case would this act infringe existing rights.

SEC. 13. This Act shall take effect upon its approval.

Approved, June 19, 1959.

[REPUBLIC ACT NO. 2379]

AN ACT GRANTING AUTONOMY TO BARRIOS OF THE PHILIPPINES

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

SECTION 1. This Act shall be known as the Barrio Charter.

ARTICLE. I. — General Provisions

SEC. 2. Definition and general powers of barrios. — Barrios are units of municipalities or municipal districts in which they are situated. They are quasi-municipal corporations endowed with such powers as are herein provided for the performance of particular government functions, to be exercised by and through their respective barrio governments in conformity with law.

It shall be competent for them in their proper corporate name to sue and be sued, to contract and be contracted with and to acquire and hold real and personal property for purposes herein specified, and generally to exercise the powers herein otherwise conferred upon them by law.

ARTICLE II. — Organization of Barrios

SEC. 3. The creation of new barrios. — All barrios existing at the time of the passage of this Act shall come under the provisions hereof.

Upon petition of a majority of the voters in the areas affected, a new barrio may be created or the name of an existing one may be changed by the provincial board of the province, upon recommendation of the council of the municipality or municipalities in which the proposed barrio is situated. The recommendation of the municipal council shall be embodied in a resolution approved by at least two-thirds of the entire membership of the said council: Provided, however, That no new barrio may be created if its population is less than five hundred persons.

Barrios shall not be created or their boundaries altered nor their names changed except under the provisions of this Act or by Act of Congress.

Boundary disputes between barrios within the same municipality shall be heard and decided by the municipal council, subject to appeal within thirty days from receipt of notice of the decision by the barrio council concerned to the corresponding provincial board, whose decision shall be final.

Boundary disputes between barrios belonging to different municipalities shall be treated as boundary disputes between municipalities under existing provisions of law.

All property rights of the barrios whose boundaries are altered shall be vested in the barrio in which the property is situated after the alteration has been made.

SEC. 4. The barrio assembly.—The barrio assembly shall consist of all persons who are qualified electors, who are duly registered in the list of barrio assembly members kept by the secretary thereof, and have been residents of the barrio for at least six months.

The barrio assembly shall meet at least once a year to hear the annual report of the barrio council concerning the activities and finances of the barrio.

It shall meet also when members of the barrio council are to be elected and/or at the call of the barrio council or upon written petition of at least one-fifth of the members of the barrio assembly.

For the purpose of conducting business and taking any official action in the barrio assembly, it is necessary for a quorum, which shall consist of at least one-third of the members of the barrio assembly, to be present. All actions involving the raising of taxes, payment of compensation and solicitation of voluntary contributions shall be by a two-thirds vote of those present at the meeting there being a quorum. All other actions may be by a majority vote of those present at the meeting there being a quorum.

No meeting of the barrio assembly shall take place unless notice is given one week prior to the meeting except in matters involving public safety or security in which case notice within a reasonable time shall be sufficient. The barrio lieutenant shall act as presiding officer at all meetings of the barrio assembly. The barrio council secretary shall be the secretary of the barrio assembly; and, in his absence or inability, the assistant barrio council secretary shall discharge the duties of secretary of the barrio assembly: Provided, That the barrio lieutenant may designate a temporary barrio assembly secretary before the election and qualification of a permanent barrio council secretary and assistant secretary.

SEC. 5. Powers of the barrio assembly.—The powers of the barrio assembly shall be as follows:

- (a) to elect members of the barrio council; act upon their resignation, if presented, and fill vacancies therein by election;
- (b) to provide for reasonable compensation of barrio council members when authorized by two-thirds vote of the barrio assembly;
- (c) to adopt measures for the raising of funds for the barrio by taxation and by voluntary contributions;
- (d) to adopt measures for the good of the barrio;
- (e) to decide on measures submitted to it in accordance with law; and
- (f) to enter into contracts for and in behalf of the barrio and to authorize the barrio council so to do.

SEC. 6. The barrio council.—In each barrio there shall be organized a barrio council which shall have as members the following:

- (a) a barrio lieutenant;
- (b) a barrio treasurer;
- (c) four council members;
- (d) vice barrio lieutenants, in such number as there are sitios in the barrios; or where there are no sitios, one vice barrio lieutenant for every two hundred inhabitants of the barrio; Provided, That no person shall be elected vice barrio lieutenant unless he is a resident of the sitio he shall represent.

SEC. 7. Election of the barrio council.—The barrio lieutenant, the barrio treasurer, the vice barrio lieutenants, and the four council members shall be elected at a meeting of the barrio assembly.

The election shall be held on the second Sunday of January of even-numbered years: Provided, That if the meeting is not held on the second Sunday of January, it may be held on any day thereafter within the month of January to be determined by the barrio lieutenant who shall preside over the meeting. The Assembly shall elect a board of three election tellers, one of whom shall be a school teacher who shall act as chairman, to conduct the election and count the votes.

All members of the barrio assembly as defined in section four shall have the right to vote at such elections. Voting shall be by secret ballot: Provided, That open voting may be allowed if two-thirds votes of the qualified voters present in the meeting shall so decide. No votes may be cast by proxy.

Those who obtain the highest number of votes for the position for which they are candidates shall be declared elected by the election tellers and shall assume office immediately by taking the oath of office before any person authorized to administer oaths. In case of a tie, the same shall be decided by drawing lots and the winner shall be proclaimed.

All disputes as to procedure before the balloting shall be decided by the board of election tellers.

All disputes over barrio elections shall be brought before the justice of the peace court of the municipality concerned; in the determination and decision thereof, the court shall follow as closely as possible the procedure prescribed for inferior courts in Rule 4, Rules of Court. The decision of the justice of the peace court shall be appealable pursuant to the Rules of Court to the court of first instance whose decision shall be final on questions of fact.

The members of the barrio council shall hold office for two years from the time of their election and qualification or until their successors are duly elected and qualified. In no case shall a member of the council be elected to the same position for more than three consecutive terms, but after two years shall have elapsed from the expiration of his last term he shall again be eligible for election to the same position.

SEC. 8. Qualifications for election to the barrio council.—Candidates for election to the barrio council:

- (a) Must be a qualifeid elector and must have been a resident of the barrio for at least six months prior to the election; and
- (b) Must not have been convicted of a crime involving moral turpitude or of a crime which carries a penalty of at least one year's imprisonment.

SEC. 9. The municipal mayor shall exercise the power of supervision over barrio officials. He shall receive and investigate complaints made under oath against barrio officers for neglect of duty, oppression, corruption or other form of misconduct in office, and conviction by final judgment of any crime involving moral turpitude. For minor delinquency, he may reprimand the officer; and if a more severe punishment seems to be desirable, he shall submit written charges touching the matter to the municipal council, furnishing a copy of such charges to the respondent either personally or by registered mail. The municipal mayor may in such case suspend the officer pending action by the council, if in his opinion the charge be one affecting the official integrity of the officer in question, but in no case shall the period of suspension exceed thirty days. Where suspension is thus effected the written charges against the officer shall be filed within five days with the municipal council, which shall adopt the procedure specified in sections twenty-one hundred eighty-nine to twenty-one hundred ninety of the Revised Administrative code.

The decision of the council shall be appealable within ten days from notice thereof to the provincial board, whose decision shall be final.

ARTICLE III. Powers, Rights and Duties

SEC. 10. Rights and duties of members of the barrio council. The barrio lieutenant, or in his absence or inability, the vice barrio lieutenant designated by the barrio council, shall discharge the following duties:

- (a) To look after the maintenance of public order in the barrio and to assist the municipal councilor in the performance of his duties in such barrio;
- (b) To preside over the meetings of the barrio assembly and the barrio council;
- (c) To organize a fire brigade;
- (d) To organize and lead an emergency group whenever the same may be necessary for the maintenance of peace and order within the barrio;
- (e) To approve vouchers relating to the disbursement of barrio funds;
- (f) To attend conventions of barrio lieutenants; and
- (g) To enforce all laws and ordinances which are operative within the barrio and to sign and enter into contracts with the approval of the barrio council.

The vice barrio lieutenants shall be peace officers and as such shall take charge of the maintenance of public order in their respective sitios.

The council members shall attend the meetings of the barrio council and cooperate with the barrio lieutenants and vice barrio lieutenants in the discharge of their duties.

SEC. 11. Rights and privileges of incumbent barrio lieutenants. — In addition to the rights and privileges now granted by existing laws to barrio lieutenants, they shall, if they have served their constituents properly, as shown by a resolution of the barrio council, other qualifications being equal:

- (a) Have preference in appointments in and to any government office, agency, or instrumentality or in and to any government-owned or controlled corporation; and
- (b) Have preference to purchase public lands and government owned or managed agricultural farms or subdivisions, to obtain homesteads, concessions and franchises, and other privileges for the exploitation of the natural resources which are permissible and made available by existing laws.

An incumbent barrio lieutenant who is permanently incapacitated from work owing to sickness, disease or injury incurred in line of duty shall receive the necessary hospitalization and medical care from government hospitals free of charge.

Incumbent barrio lieutenants having children attending public elementary and intermediate schools shall be exempted from paying the corresponding tuition fees.

SEC. 12. Powers and duties of the barrio council. — The barrio council shall have the power to promulgate barrio ordinance not inconsistent with law or municipal ordinance.

All barrio ordinances shall be submitted within fifteen days after their approval to the municipal council. Barrio ordinances shall take effect thirty days after their approval, unless the municipal council finds that such ordinances are not in accordance with law, in which case, they shall be returned to the barrio council for adjustment, amendment or repeal. In case of disagreement between the barrio council and the municipal council the dispute shall be referred to the provincial fiscal for final action.

Any violation of barrio ordinances duly promulgated shall be punished by a fine of not more than one hundred pesos or imprisonment of not more than fifteen days, or both such fine and imprisonment, in the discretion of the court.

The barrio council shall have the following powers, duties and responsibilities:

- (a) To construct and/or maintain within its boundaries the following public works; barrio roads, bridges, viaducts and sidewalks, playgrounds and parks, school buildings; water supply drainage, ir-

rigation, sewerage, and public toilet facilities, and other public works and facilities, and for this purpose, to exercise the power of eminent domain with the approval of the municipal council;

- (b) To undertake cooperative enterprises that will improve the economic condition and well-being of the barrio residents. Such enterprises may include stores for the sale or purchase of commodities and/or produce, warehouses, activities relating to agricultural and live-stock production and marketing, fishing, and home and barrio industries, and other activities which may promote the welfare of the barrio inhabitants;
- (c) To accept in all or any of the foregoing public works and cooperative enterprises such cooperation as is made available by municipal, provincial and national governmental agencies established by law to render financial, technical and advisory assistance to barrios and to barrio residents: Provided, however, That in accepting such cooperation, the barrio council may not pledge sums of money for expenditure in excess of amounts currently in the barrio treasury or encumbered for other purposes;
- (d) To initiate and submit to the barrio assembly community programs of economic and social benefit to the inhabitants of the barrio;
- (e) To employ or contribute to the expenses of employing community development workers under terms of agreement made with the Office of the Presidential Assistant on Community Development or with any other bureau or agency of the government;
- (f) To submit to the municipal council such suggestions or recommendations as it may see fit for the improvement of its barrio and/or for the welfare of the inhabitants thereof;
- (g) To provide for the publication by town crier or such other means as they see fit, of laws, ordinances and/or matters of public interests;
- (h) To hold benefits in their respective barrios without having to secure permits from the Social Welfare Administration. The proceeds from such benefits shall be tax-exempt and shall go to the barrio general fund, unless previously set aside for a specific purpose;
- (i) To organize at least twice a month such lectures, programs and or community assemblies as may serve to educate and enlighten the people on moral, civic, political, educational and other matters of public interest;
- (j) To regulate the use of cement palay or copra driers (patios), or similar project constructed with government funds for public service within the jurisdiction of the barrio and to charge reasonable fees for such use;
- (k) To exercise any powers necessary to carry out the foregoing provisions;
- (l) To organize annually as soon after the barrio council shall have been elected and qualified, committees composed of men and women of high moral standing and integrity in the barrio to take care of the

problem of juvenile delinquency, if the same exists, by providing spiritual help and guidance to the juvenile delinquents and by helping them secure wholesome occupations and entertainment in the barrios or elsewhere; and

- (m) To appropriate barrio funds to implement the decisions of the barrio assembly and for purposes herein specified.

SEC. 13. Procedure in barrio councils. — The barrio lieutenant shall be the presiding officer of the barrio council. In his absence or inability, the vice barrio lieutenant designated by the barrio council shall act as presiding officer.

Regular meetings of the barrio council shall be held at least once a month at the call of the barrio lieutenant. Special meetings may also be called by him and by any three members of the barrio council at any time.

In order to transact business, the barrio council must constitute a quorum of a majority of its members. All ordinances and resolutions must be approved by a majority vote of those present.

At the first meeting of the newly elected barrio council, the barrio lieutenant, with the approval of the majority of the council, shall name the chairman and members of the standing and special committees to study and report from time to time on various problems that come before the barrio council.

The barrio council may hold its session in the barrio hall or public school building of the barrio during hours when there are no classes, or in any house or lot in the barrio the provisional or permanent use of which may be granted for said purpose free of charge.

The barrio council shall elect from among its members a secretary and an assistant secretary. It shall be the duty of the secretary to keep simple minutes of the meetings of both the barrio assembly and the barrio council during his term of office, to keep a list of all qualified barrio assembly members, and be responsible for the custody of all barrio council and barrio assembly records. The assistant secretary shall perform such duties as may be assigned by the barrio council and upon designation by the barrio council, shall act as secretary in case of absence or inability of the latter.

SEC. 14. Taxing powers of the barrio council and the barrio assembly. — The barrio council with the approval of a two-thirds vote of the barrio assembly as provided in section four hereof, may raise, levy, collect and/or accept monies and other contributions from the following sources:

- (a) Voluntary contributions annually from each male or female resident twenty-one years of age or over;
- (b) Licenses on stores, signs, signboards, and bill-boards displayed or maintained in any place exposed to public view except those displayed at the place or places where profession or business advertized thereby is in whole or in part conducted;

- (c) A tax on gamecocks owned by residents of the barrio and on the cock-fights conducted therein: **Provided, That** nothing herein shall authorize the barrio council to permit cockfights;
- (d) Monies, materials and voluntary labor for specific public works and cooperative enterprises of the barrio raised from residents, landholders, producers and merchants of the barrio;
- (e) Monies from grants-in-aid, subsidies, contributions and revenues made available to barrios from municipal, provincial or national funds;
- (f) Monies from private agencies and individuals;
- (g) An additional percentage, not exceeding one-fourth of one per cent of the assessed valuation of the property within the barrio, collected by the municipal treasurer along with the tax on real property levied for municipal purposes by the municipality and deposited in the name of the barrio with the municipal treasurer: **Provided, That** no tax or license fee imposed by a barrio council shall exceed fifty per centum of a similar tax or fee levied, assessed or imposed by the municipal council.

SEC. 15. Share in real estate taxes. — Ten per cent of all real estate taxes collected within the barrio shall accrue to the barrio general fund, which sum shall be deducted in equal amounts from the respective shares of the province and municipality: **Provided, That** the municipal treasurer may designate the barrio lieutenant and/or the barrio treasurer as his deputy to collect the said taxes.

SEC. 16. Financial Procedure. — All ordinances for raising barrio funds through taxes and voluntary contributions may be initiated in the barrio council, and submitted to the barrio assembly. Such ordinances may also originate in the barrio assembly which may approve the same finally without further action by the barrio council.

The barrio treasurer shall collect all taxes existing (except real property taxes), fees and contributions due the barrio treasury for which he shall issue official receipts. The treasurer, who shall be bonded in any amount to be fixed by the barrio council not exceeding ten thousand pesos, shall be the custodian of the barrio funds and property and shall deposit all collections with the municipal treasurer within a period of one week after receipt of such fees and contributions. He shall disburse the same in accordance with resolutions of the council, upon vouchers signed by the payee and approved by the barrio lieutenant, and subject to the availability of funds in the barrio treasury, and to all existing applicable auditing rules and regulations.

The barrio council may provide for necessary travel expenses for the barrio lieutenant or any member of the council on official business.

The financial records of the barrio council shall be kept in a simplified manner as prescribed by the municipal treasurer who shall annually audit such accounts and make a report of the audit to the barrio council and to the municipal council.

SEC. 17. Extent of applicability. — The above provisions shall be made applicable to all barrios within the jurisdiction of chartered cities.

SEC. 18. Repealing clause. — All existing legislations or regulations relating to barrio government in conflict or inconsistent with the provisions of this Act are hereby repealed.

SEC. 19. Effectivity of the Act. — This Act shall take effect January first, nineteen hundred and sixty.

Approved, June 30, 1959.