

Republic of the Philippines
HOUSE OF REPRESENTATIVES
QUEZON CITY

EIGHTEENTH CONGRESS

First Regular Session

House Bill No. 4840



INTRODUCED BY REPRESENTATIVE DATU ROONIE Q. SINSUAT, SR.

EXPLANATORY NOTE

This bill seeks to establish a new province separate from the present Province of Maguindanao to address and to answer the call and will of the People of Maguindanao.

In 2006, the People of Maguindanao overwhelmingly ratified in a plebiscite by an affirmative votes of 285,372 the creation of the Province of Shariff Kabunsuan by ARMM Regional Assembly through Muslim Mindanao Act (MMA) No. 201 pursuant to Republic Act No. 9054 after complying with all the requirements under the law. The said province provided opportunities and promoted better welfare to its constituents until its creation was stricken down by the Supreme Court in 2008 in its decision in *Sema v. Comelec*¹ declaring Section 19, Article VI of RA 9054 as unconstitutional in so far as it grants to the ARMM Regional Assembly the power to create provinces.

Since then, the clamor of the People of Maguindanao to create a new province is growing as shown and manifested by the resolutions of the 13 Municipalities seeking to be created into a separate province. The said resolutions were further endorsed by the Sangguniang Panlalawigan, and unanimously supported by the Municipal Mayors from the second district of Maguindanao.

In response to public clamor, this Bill is introduced with provisions consistent with the will of the people, and attuned to the changing times, and reflective of the aspirations of the people of Maguindanao.

The new province introduced in this Bill shall be named as the Province of Western Maguindanao to be composed of thirteen (13) municipalities vis: Barira, Buldon, Datu Blah Sinsuat, Datu Odin Sinsuat, Kabuntalan, Matanog, Northern Kabuntalan, Parang, Upi (North Upi,) Sultan Kudarat, Sultan Mastura, Talitay (Sultan Sumagka,) South Upi.

This humble representation envisions for the people and constituency of the proposed new province to fully enjoy the rights and opportunities provided for by the Local Government Code, and the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao while committing to the obligations and aspirations of the National Government under the Constitution of the Republic of the Philippines.


DATU ROONIE Q. SINSUAT

Representative, First District of Maguindanao and Cotabato City

¹ G.R. No. 177597 July 16, 2008

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House Bill No. ____

INTRODUCED BY REPRESENTATIVE DATU ROONIE Q. SINSUAT, SR.

AN ACT CREATING THE PROVINCE OF WESTERN MAGUINDANAO

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

**ARTICLE I
GENERAL PROVISIONS**

Section 1. Title. –

This Act shall be known as the "Charter of the Province of Western Maguindanao".

Section 2. Province of Western Maguindanao. – There is hereby created a new province from the present Province of Maguindanao to be known as the Province of Western Maguindanao, consisting of the municipalities of Barira, Buldon, Datu Blah Sinsuat, Datu Odin Sinsuat, Kabuntalan, Matanog, Northern Kabuntalan, Parang, Upi (North Upi), Sultan Kudarat, Sultan Mastura, Talitay (Sultan Sumagka), and South Upi. The territorial jurisdiction of the Province of Western Maguindanao shall be within the present metes and bounds of all the municipalities that comprise the Western Maguindanao

The foregoing provision shall be without prejudice to the resolution by the appropriate agency or forum of existing boundary disputes or cases involving questions of territorial jurisdiction between the Western Maguindanao and adjoining local government units (LGUs): *Provided*, That the territorial jurisdiction of the disputed area or areas shall remain with the LGU, which has existing administrative supervision over said area or areas until final resolution of the case.

Section 3. Capital Town and Seat of Government. –

The capital town and seat of government of the Western Maguindanao shall be the Municipality of Datu Odin Sinsuat.

Section 4. *Corporate Powers of the Province.* –

The province constitutes a political body corporate and as such is endowed with the attributes of perpetual succession and possessed of the powers which pertain to a provincial corporation to be exercised in conformity with the provision of this Charter and the 1991 Local Government Code, as amended. The province shall have the following corporate powers:

- (a) To have a continuous succession in its corporate name;
- (b) To sue and be sued;
- (c) To have and use a corporate seal;
- (d) To acquire, hold and convey real or personal property;
- (e) To enter into contracts and/or agreements; and
- (f) To exercise such other powers, prerogatives or authority subject to the limitations provided in this Act or other laws.

Section 5. *General Powers.* –

The province shall have a common seal and may alter the same at its pleasure: *Provided*, That any change of corporate seal shall be registered with the Department of the Interior and Local Government (DILG). It shall have the power to create its sources of revenue and to levy taxes, fees and charges; to close and open roads, streets, alleys, parks or squares; to take, purchase, receive, hold, lease, convey and dispose of real and personal property for the general interests of the province; to expropriate or condemn private property for public use; to contract and to be contracted with; to sue and be sued; to prosecute and defend to final judgment and execution suits wherein the province is involved or interested in and to exercise all the powers as are granted to corporations or as hereinafter granted, subject to the provisions of the 1991 Local Government Code, as amended.

Section 6. *Liability for Damages.* –

The province and its officials shall not be exempt from liability for death or injury to persons or damage to property.

Section 7. *Legislative District.* – The Province of Western Maguindanao shall have its own legislative district to commence in the next national and local elections after the effectivity of this Charter. Henceforth, the municipalities of Barira, Buldon, Datu Blah Sinsuat, Datu Odin Sinsuat, Kabuntalan, Matanog, Northern Kabuntalan, Parang, Upi (North Upi), Sultan Kudarat, Sultan Mastura, Talitay (Sultan Sumagka), and South Upi including Cotabato City shall comprise the lone Legislative District of the Province of Western Maguindanao and Cotabato City while the municipalities of Ampatuan, Buluan, Datu Abdullah Sangki, Datu Anggal Midtimbang, Datu Hofer Ampatuan, Datu Montawal, Datu Paglas, Datu Piang, Datu Salibo, Datu Saudi Ampatuan, Datu Unsay, Gen. S.K Pendatun, Guindulungan, Mamasapano, Mangudadatu, Pagalungan, Paglat, Pandag, Rajah Buayan, Shariff Aguak, Shariff Saydona Mustapha, Sultan Sa Barongis, and Talayan, shall comprise the Lone Legislative District of the Province of Maguindanao.

The incumbent Representatives of the present Province of Maguindanao shall continue to represent their respective legislative districts until the expiration of their term of office.

ARTICLE II PROVINCIAL OFFICIALS IN GENERAL

Section 8. *Officials of the Provincial Government.* –

(a) There shall be in the Province of Western Maguindanao: a provincial governor, a provincial vice governor, the regular members of the *sangguniang panlalawigan*, a secretary to the *sangguniang panlalawigan*, a provincial treasurer, a provincial assessor, a provincial accountant, a provincial budget officer, a provincial planning and development coordinator, a provincial engineer, a provincial health officer, a provincial administrator, a provincial legal officer, a provincial agriculturist, a provincial social welfare and development officer, a provincial veterinarian and a provincial general services officer.

(b) In addition thereto, the provincial governor may appoint a provincial architect, a provincial population officer, a provincial environment and natural resources officer, a provincial cooperatives officer and a provincial information officer.

(c) The *sangguniang panlalawigan* may:

(1) Maintain existing offices mentioned in subsections (a) and (b) hereof;

(2) Create such other offices as may be necessary to carry out the purposes of the provincial government; or

(3) Consolidate the functions of any office with those of another in the interest of efficiency, economy, and public welfare;

Unless otherwise provided herein or in the 1991 Local Government Code, as amended, the heads of departments and offices shall be appointed by the provincial governor with the concurrence of a majority of all the *sangguniang panlalawigan* members, subject to civil service law, rules and regulations. The *sangguniang panlalawigan* shall act on the appointment within fifteen (15) days from the day of its submission; otherwise, the same shall be deemed confirmed.

Section 9. *Residence and Office.* –

During the incumbency of the provincial governor, he or she shall have his or her official residence and office in the capital of the province. All elective and appointive provincial officials shall hold office in the provincial capital: *Provided*, That, upon the resolution of the *sangguniang panlalawigan*, elective and appointive provincial officials may hold office in any component city or municipality within the province for a period of not more than seven (7) days for any given month.

Elective and appointive provincial officials shall receive such compensation, allowances and other emoluments as may be determined by law or ordinance, subject to the budgetary limitations on personal services prescribed under Title V, Book II of the Local Government Code of 1991, as amended: *Provided*, That, no increase in compensation shall take effect until after the expiration of the full term of all the elective officials approving such increase.

ARTICLE III ELECTIVE PROVINCIAL OFFICIALS

Section 10. *The Provincial Governor.* –

(a) The provincial governor, as the chief executive of the provincial government, shall exercise such powers and perform such duties and functions as provided for in the Local Government Code of 1991, as amended, and other laws.

(b) For efficient, effective and economical governance, the purpose of which is the general welfare of the province and its inhabitants pursuant to Section 16 of the Local Government Code of 1991, as amended, the provincial governor shall:

(1) Exercise general supervision and control over all programs, projects, services and activities of the provincial government and, in this connection, shall:

(i) Determine the guidelines of provincial policies and be responsible to the *sangguniang panlalawigan* for the program of the government;

(ii) Direct the formulation of the provincial development plan, with the assistance of the provincial development council and upon approval thereof by the *sangguniang panlalawigan*, implement the same;

(iii) Present the program of government and propose policies and projects for the consideration of the *sangguniang panlalawigan* at the opening of the regular session of the *sangguniang panlalawigan* every calendar year and as often as may be deemed necessary as the general welfare of the inhabitants and the needs of the provincial government may require;

(iv) Initiate and propose legislative measures to the *sangguniang panlalawigan* and as often as may be deemed necessary, provide such information and data needed or requested by said *sangguniang panlalawigan* in the performance of its legislative functions;

(v) Appoint all officials and employees whose salaries and wages are wholly or mainly paid out of provincial funds and whose appointments are not otherwise provided for in this Act as well as those he or she may be authorized by law to appoint;

(vi) Represent the province in all its business transactions and sign in its behalf all bonds, contracts and obligations, and such other documents upon the authority of the *sangguniang panlalawigan* or pursuant to law or ordinance;

(vii) Carry out such emergency measures as may be necessary during and in the aftermath of man-made and natural disasters and calamities;

(viii) Determine the time, manner and place of payment of salaries or wages of the provincial officials and employees, in accordance with law or ordinance;

(ix) Allocate and assign office space to the provincial and other officials and employees who, by law or ordinance, are entitled to such space in the provincial capitol and other buildings owned or leased by the provincial government;

(x) Ensure that all executive officials and employees of the province faithfully discharge their duties and functions as provided for by law and the Local Government Code of 1991, as amended, and cause to be instituted administrative or judicial proceedings against any official or employee of the province who may have committed an offense in the performance of his or her official duties;

(xi) Examine the books, records and other documents of all offices, officials, agents or employees of the province and, in aid of his or her executive powers and authority, require all national officials and employees stationed in the province to make available to him or her such books, records and other documents in their custody, except those classified by law as confidential;

(xii) Furnish copies of executive orders issued by him or her to the Office of the President within seventy-two (72) hours after their issuance;

(xiii) Visit component cities and municipalities of the province at least once every six (6) months to deepen his or her understanding of problems and conditions, listen and give appropriate counsel to local officials and inhabitants, inform the officials and inhabitants of component cities and municipalities of general laws and ordinances which especially concern them, and otherwise conduct visits and inspections to ensure that the governance of the province will improve the quality of life of the inhabitants;

(xiv) Act on leave applications of officials and employees appointed by him or her and the commutation of the monetary value of their leave credits in accordance with law;

(xv) Authorize official trips of provincial officials and employees outside of the province for a period not exceeding thirty (30) days;

(xvi) Call upon any national official or employee stationed in or assigned to the province to advise him or her on matters affecting the province and to make recommendations thereon; coordinate with the said official or employee in the formulation and implementation of plans, programs and projects; and, when appropriate, initiate an administrative or judicial action against a national government official or employee who may have committed an offense in the performance of his or her duties while stationed in or assigned to the province;

(xvii) Authorize payment for medical care, necessary transportation, subsistence, hospital or medical fees of provincial officials and employees who are injured while in the performance of their official duties and functions, subject to the availability of funds;

(xviii) Represent the province in inter-provincial or regional sports councils or committees, and coordinate the efforts of component cities or municipalities in the regional or national palaro or sports development activities;

(xix) Conduct an annual *palarong panlalawigan*, which shall feature traditional sports and disciplines included in national and international games in coordination with the Department of Education (DepED); and

(xx) Submit to the Office of the President the following reports: an annual report containing a summary of all matters pertinent to the management,

administration and development of the province and all information and data relative to its political, social and economic conditions; and supplemental reports when unexpected events and situations arise at any time during the year, particularly when man-made or natural disasters or calamities affect the general welfare of the province, the region or the country in general;

(2) Enforce all laws and ordinances relative to the governance of the province and the exercise of the appropriate corporate powers provided for in Section 22 of the Local Government Code of 1991, as amended; implement all approved policies, programs, projects, services and activities of the province; and, in addition to the foregoing; shall:

(i) Ensure that the acts of the component cities and municipalities of the province and of its officials and employees are within the scope of their prescribed powers, duties and functions;

(ii) Call conventions, conferences, seminars or meetings of any elective and appointive officials of the province and its component cities and municipalities, including national officials and employees stationed in or assigned to the province, at such time and place and on such subject as he or she may deem important for the promotion of the general welfare of the province and its inhabitants;

(iii) Issue such executive orders for the faithful and appropriate enforcement and execution of laws and ordinances;

(iv) Be entitled to carry the necessary firearm within his or her territorial jurisdiction;

(v) In coordination with the mayors of component cities and municipalities and the National Police Commission, formulate the peace and order plan of the province and upon its approval, implement the same in accordance with Republic Act No. 6975; and

(vi) Call upon the appropriate national law enforcement agencies to suppress disorder, riot, lawless violence, rebellion or sedition or to apprehend violators of the law when public interest so requires and the police forces of the component city or municipality where the disorder or violation is happening are inadequate to cope with the situation or the violators;

(3) Initiate and maximize the generation of resources and revenues, and apply the same to the implementation of development plans, program objectives and priorities as provided for under Section 18 of the Local Government Code of 1991, as amended, particularly those resources and revenues programmed for agro-industrial development and countrywide growth and progress and, relative thereto, shall;

(i) Require each head of an office or department to prepare and submit an estimate of appropriations for the ensuing calendar year, in accordance with the budget preparation process under Title V, Book II of the Local Government Code of 1991, as amended;

(ii) Prepare and submit to the *sangguniang panlalawigan* for approval the executive and supplemental budgets of the province for the ensuing calendar year in the manner provided for under Title V, Book II of the Local Government Code of 1991, as amended;

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

(iv) Issue licenses and permits and suspend or revoke the same for any violation of the conditions upon which said licenses or permits had been issued, pursuant to law or ordinance;

(v) Adopt adequate measures to safeguard and conserve land, mineral, marine, forest and other resources of the province, in coordination with the mayors of component cities or municipalities;

(vi) Provide efficient and effective property and supply management in the province; and protect the funds, credits, rights and other properties of the province; and

(vii) Institute or cause to be instituted administrative or judicial proceedings for violations of ordinances in the collection of taxes, fees or charges, and for the recovery of funds and property, and cause the province to be defended against all suits to ensure that its interests, resources and rights shall be adequately protected;

(4) Ensure the delivery of basic services and the provision of adequate facilities as provided for under Section 17 of the Local Government Code of 1991, as amended and, in addition thereto, shall:

(i) Ensure that the construction and repair of roads and highways funded by the national government shall be, as far as practicable, carried out in a spatially contiguous manner and in coordination with the construction and repair of the roads and bridges of the province and of its component cities and municipalities; and

(ii) Coordinate the implementation of technical services by national offices for the province and its component cities and municipalities, including public works and infrastructure programs of the provincial government and its component cities and municipalities; and

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

The provincial governor shall receive a minimum monthly compensation corresponding to Salary Grade Thirty (30) as prescribed under Republic Act No. 6758, as amended, and the implementing guidelines issued pursuant thereto.

Section 11. *The Provincial Vice Governor.* –

(a) The provincial vice governor shall:

(1) Be the presiding officer of the *sangguniang panlalawigan* and sign all warrants drawn on the provincial treasury for all expenditures appropriated for the operation of the *sangguniang panlalawigan*;

(2) Subject to civil service law, rules and regulations, appoint all officials and employees of the *sangguniang panlalawigan*, except those whose manner of appointment is specifically provided for under existing laws;

(3) Assume the office of the provincial governor for the unexpired term of the latter in the event of permanent vacancy as provided for in Section 44, Book I of the Local Government Code of 1991, as amended;

(4) Exercise the powers and perform the duties and functions of the provincial governor in case of temporary vacancy as provided for in Section 46, Book I of the Local Government Code of 1991, as amended; and

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

(b) The provincial vice governor shall receive a monthly compensation corresponding to Salary Grade Twenty-eight (28) as prescribed under Republic Act No. 6758, as amended, and the implementing guidelines issued pursuant thereto.

ARTICLE IV THE SANGGUNIANG PANLALAWIGAN

Section 12. Composition. –

(a) The *sangguniang panlalawigan*, the legislative body of the province, shall be composed of the provincial vice governor as the presiding officer, the regular *sangguniang panlalawigan* members, the president of the provincial chapter of the *liga ng mga barangay*, the president of the *panlalawigang pederasyon ng mga sangguniang kabataan*, the president of the provincial federation of *sanggunian members* of municipalities and component cities and the three (3) sectoral representatives, as members, who shall come from the following sectors: one (1) from indigenous people and, as shall be determined by the *sangguniang panlalawigan* within ninety (90) days prior to the holding of the local elections, one (1) from the agricultural or industrial workers sector; and one (1) from the other sectors, including but limited to the urban poor, Overseas Filipino Workers Sector, women sector, Senior Citizen, or persons with disability.

(b) The regular members of the *sangguniang panlalawigan* and the sectoral representatives shall be elected in the manner as provided for by law, and shall receive a monthly compensation corresponding to Salary Grade Twenty-seven (27) as prescribed under Republic Act No. 6758, as amended, and the implementing guidelines issued pursuant thereto.

Section 13. Powers, Duties, Functions and Compensation. –

(a) The *sangguniang panlalawigan*, as the legislative body of the province, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the province and its inhabitants pursuant to Section 16 of the Local Government Code of 1991, as amended, and in the proper exercise of the corporate powers of the province as provided for under Section 22 of the Local Government Code of 1991, as amended, and shall:

(1) Approve all ordinances and pass resolutions necessary for an efficient and effective provincial government and, in this connection, shall:

(i) Review all ordinances approved by the *sanggunians* of component cities and municipalities and executive orders issued by the mayors of said component units to determine whether these are within the scope of the prescribed powers of the *sanggunian* and of the mayor;

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

(iii) Approve ordinances imposing a fine not exceeding Five thousand pesos (P5,000.00) or an imprisonment not exceeding one (1) year, or both, in the discretion of the court, for the violation of a provincial ordinance;

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

(v) Enact ordinances intended to prevent, suppress and impose appropriate penalties for habitual drunkenness in public places, vagrancy, mendicancy, prostitution, the establishment and maintenance of houses of ill repute, gambling and other prohibited games of chance, fraudulent devices and ways to obtain money or property, drug addiction, maintenance of drug dens, drug pushing, juvenile delinquency, the printing, distribution or exhibition of obscene or pornographic materials or publication, and such other activities inimical to the welfare and morals of the inhabitants of the province;

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

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

(viii) Determine the positions and salaries, wages, allowances and other emoluments and benefits of officials and employees paid wholly or mainly from provincial funds and provide for expenditures necessary for the proper conduct of programs, projects, services and activities of the provincial government;

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

(x) Provide mechanism and the appropriate funds therefore to ensure the safety and protection of all provincial government property, public documents or records such as those relating to property inventory, land ownership, records of births, marriages, deaths, assessments, taxation, accounts, business permits and such other records and documents of public interest in the offices and departments of the provincial government; and

(xi) When the finances of the provincial government allow, provide for additional allowances and other benefits to judges, prosecutors, public

elementary and high school teachers, and other national government officials stationed or assigned to the province;

(2) Generate and maximize the use of resources and revenues for the development plans, program objectives and priorities of the province as provided for under Section 18 of the Local Government Code of 1991, as amended, with particular attention to agro-industrial development and countrywide growth and progress and, relative thereto, shall:

(i) Enact the annual and supplemental appropriations of the provincial government and appropriate funds for specific programs, projects, services and activities of the province, or for other purposes not contrary to law, in order to promote the general welfare of the province and its inhabitants;

(ii) Subject to the provisions of Book II of the Local Government Code of 1991, as amended and applicable laws and, upon the majority vote of all the members of the *sangguniang panlalawigan*, enact ordinances levying taxes, fees and charges, prescribing the rates thereof for general and specific purposes and granting tax exemptions, incentives or reliefs;

(iii) Subject to the provisions of Book II of the Local Government Code of 1991, as amended and applicable laws and, upon the majority vote of all the members of the *sangguniang panlalawigan*, authorize the provincial governor to negotiate and contract loans and other forms of indebtedness;

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

(v) Appropriate funds for the construction and maintenance or the rental of buildings for the use of the province and, upon the majority vote of all the members of the *sangguniang panlalawigan*, authorize the provincial governor to lease to private parties such public buildings held in a proprietary capacity, subject to existing laws, rules and regulations;

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

(vii) Review the comprehensive land use plans and zoning ordinances of component cities and municipalities and adopt a comprehensive provincial land use plan, subject to existing laws; and

(viii) Adopt measures to enhance the full implementation of the national agrarian reform program in coordination with the Department of Agrarian Reform (DAR);

(3) Subject to the provisions of Book II of the Local Government Code of 1991, as amended, grant franchises, approve the issuance of permits or licenses, or enact ordinances levying taxes, fees and charges upon such conditions and for such purposes intended to promote the general welfare of the inhabitants of the province and, pursuant to the legislative authority, shall:

(i) Fix and impose reasonable fees and charges for all services rendered by the provincial government to private persons or entities; and

(ii) Regulate and fix the license fees for such activities as provided for under the Local Government Code of 1991, as amended;

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

(i) Adopt measures and safeguards against pollution and for the preservation of the natural ecosystem in the province, in consonance with approved standards on human settlements and environmental sanitation;

(ii) Subject to applicable laws, facilitate or provide for the establishment and maintenance of a waterworks system or district waterworks for supplying water to inhabitants of component cities and municipalities;

(iii) Subject to the availability of funds and to existing laws, rules and regulations, provide for the establishment and operation of vocational and technical schools and similar post-secondary institutions and, with the approval of the DepED and subject to existing laws on tuition fees, fix reasonable tuition fees and other school charges in educational institutions supported by the provincial government;

(iv) Establish a scholarship fund for the poor but deserving students in schools located within its jurisdiction or of students residing within the province;

(v) Approve measures and adopt quarantine regulations to prevent the introduction and spread of diseases within its territorial jurisdiction;

(vi) Provide for the care of paupers, the aged, the sick, persons of unsound mind, abandoned minors, abused children, disabled persons, juvenile delinquents, drug dependents, and other needy and disadvantaged persons, particularly children and youth below eighteen (18) years of age; subject to the availability of funds, establish and support the operation of centers and facilities for said needy and disadvantaged persons; and facilitate the efforts to promote the welfare of families below the poverty threshold, the disadvantaged and the exploited;

(vii) Establish and provide for the maintenance and improvement of jails and detention centers, institute a sound jail management program and appropriate funds for the subsistence of detainees and convicted prisoners in the province;

(viii) Establish a provincial council whose purpose is the promotion of culture and the arts, coordinate with government agencies and non-governmental organizations and, subject to the availability of funds, appropriate funds for the support and development of the same; and

(ix) Establish a provincial council for the elderly which shall formulate policies and adopt measures mutually beneficial to the elderly and to the province; subject to the availability of funds, appropriate funds to support programs and projects for the elderly; and provide incentives for nongovernmental agencies and entities to support the programs and projects for the elderly; and

(5) Exercise such other powers and perform such other duties and functions as provided for under the Local Government Code of 1991, as amended, and as may be prescribed by law or ordinance.

ARTICLE V PROCESS OF LEGISLATION

Section 14. *Internal Rules of Procedure.* –

(a) On the first regular session following the election of its members and within ninety (90) days thereafter, the *sangguniang panlalawigan* shall adopt or update its existing rules of procedure.

(b) The rules of procedure shall provide for the following:

(1) The organization of the *sanggunian* and the election of its officers as well as the creation of standing committees which shall include, but shall not be limited to, the committees on appropriations, women and family, human rights, youth and sports development, environment protection, peace and order and traffic, and cooperatives; the general jurisdiction of each committee; and the election of the chairman and members of each committee;

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

(3) The legislative process;

(4) The parliamentary procedures which include the conduct of members during sessions;

(5) The discipline of members for disorderly behavior and absences without justifiable cause for four (4) consecutive sessions for which they may be censured, reprimanded or excluded from the session, suspended for not more than sixty (60) days, or expelled: *Provided*, That the penalty of suspension or expulsion shall require the concurrence of at least two-thirds (2/3) of all the *sanggunian* members: *Provided, further*, That a member convicted by final judgment to imprisonment of at least one (1) year for any crime involving moral turpitude shall be automatically expelled from the *sanggunian*; and

(6) Such other rules as *the sanggunian* may adopt.

Section 15. *Full Disclosure of Financial and Business Interests of Sangguniang Panlalawigan Members.* –

(a) Every *sangguniang panlalawigan* member shall, upon assumption to office, make a full disclosure of his or her business and financial interests. He or she shall also disclose any business financial, professional relationship or any relation by affinity or consanguinity within the fourth civil degree, which he or she may have with any person, firm or entity affected by any ordinance or resolution under consideration by the *sanggunian* of which he or she is a member, which relationship may result in conflict of interest. Such relationship shall include:

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

(2) Contracts or agreement with any person or entity which the ordinance or resolution under consideration may affect.

In the absence of a specific constitutional or statutory provisions applicable to this situation, "conflict of interest" refers in general to one where it may be reasonably deduced that a member of a *sangguniang panlalawigan* may not act in the public interest due to some private, pecuniary or other personal considerations that may tend to affect his or her judgment to the prejudice of the service or the public.

(b) The disclosure required under this Act shall be made in writing and submitted to the secretary of the *sanggunian* or the secretary of the committee of which he or she is a member. The disclosure shall, in all cases, form part of the record of the proceedings and shall be made in the following manner:

(1) Disclosure shall be made before the member participates in the deliberations on the ordinance or resolution under consideration: *Provided*, That if the member did not participate during the deliberations, the disclosure shall be made before voting on the ordinance or resolution on second and third readings; and

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

Section 16. Sessions. –

(a) On the first day of session immediately following the election of its members, the *sangguniang panlalawigan* shall, by resolution, fix the day, time and place of its regular sessions. The minimum number of regular sessions of the *sangguniang panlalawigan* shall be once a week.

(b) When the public interest so demands, special sessions may be called by the provincial governor or by a majority of the members of the *sanggunian*.

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

(d) In the case of special sessions of the *sanggunian*, a written notice to the members shall be served personally at the members' usual place of residence at least twenty-four (24) hours before the special session is held.

Unless otherwise concurred in by two-thirds (2/3) vote of the *sanggunian* members present, there being a quorum, no other matters may be considered at a special session except those stated in the notice.

(e) The *sanggunian* shall keep a journal and a record of its proceedings which may be published upon resolution of the *sangguniang panlalawigan*.

Section 17. Quorum. –

(a) A majority of all the members of the *sanggunian* who have been elected and qualified shall constitute a quorum to transact official business. Should a question of quorum be raised during the session, the presiding officer shall immediately proceed to call the roll of the members and thereafter announce the results.

(b) Where there is no quorum, the presiding officer may declare a recess until such time a quorum is constituted, or a majority of the members present may adjourn from day to day and may compel the immediate attendance of any member absent without justifiable cause by designating a member of the *sanggunian*, to be assisted by a member or

members of the police force assigned in the territorial jurisdiction of the province, to arrest the absent member and present him or her at the session.

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

Section 18. Approval of Ordinances. –

(a) Every ordinance enacted by the *sangguniang panlalawigan* shall be presented to the provincial governor. If the provincial governor approves the same, he or she shall affix his or her signature on each and every page thereof; otherwise, he or she shall veto it and return the same with his or her objections to the *sanggunian*, which may proceed to reconsider the same. The *sanggunian* may override the veto of the provincial governor by two-thirds (2/3) vote of all its members, thereby making the ordinance or resolution effective for all legal intents and purposes.

(b) The veto shall be communicated by the provincial governor to the *sangguniang panlalawigan* within fifteen (15) days; otherwise, the ordinance shall be deemed approved as if he or she had signed it.

Section 19. Veto Power of the Provincial Governor. –

(a) The provincial governor may veto any ordinance of the *sangguniang panlalawigan* on the ground that it is prejudicial to the public welfare, stating his or her reasons thereof in writing.

(b) The provincial governor shall have the power to veto any particular item or items of an appropriation ordinance, an ordinance or resolution adopting a local development plan and public investment program or an ordinance directing the payment of money or creating liability. In such case, the veto shall not affect the item or items which are not objected to. The vetoed item or items shall not take effect unless the *sangguniang panlalawigan* overrides the veto in the manner herein provided; otherwise, the item or items in the appropriations ordinance of the previous year corresponding to those vetoed, if any, shall be deemed reenacted.

(c) The provincial governor may veto an ordinance or resolution only once. The *sanggunian* may override the veto of the provincial governor by two-thirds (2/3) vote of all its members, thereby making the ordinance effective even without the approval of the provincial governor.

ARTICLE VI SUCCESSION FOR ELECTIVE PROVINCIAL OFFICIALS

Section 20. Permanent Vacancy in the Office of the Provincial Governor. –

(a) If a permanent vacancy occurs in the office of the provincial governor, the provincial vice governor shall become the provincial governor or in case of his or her permanent inability, the highest ranking *sanggunian* member shall become the provincial governor. If a permanent vacancy occurs in the office of the provincial vice governor, the highest ranking *sangguniang panlalawigan* member shall become the provincial vice governor or, in case of his or her permanent incapacity, the highest ranking *sangguniang panlalawigan* member shall become the provincial vice governor. Subsequent vacancies shall be filled automatically by other *sanggunian* members according to their ranking as defined herein:

(1) A tie between or among the highest ranking *sangguniang panlalawigan* members shall be resolved by drawing of lots;

(2) The successors as defined herein shall serve only the unexpired terms of the predecessors;

(3) For purposes of this Act, a permanent vacancy arises when an elective official fills a higher vacant office, refuses to assume office, fails to qualify, dies, is removed from office, voluntarily resigns or is otherwise permanently incapacitated to discharge the functions of his or her office; and

(4) For purposes of succession as provided for in this Act, ranking in the *sangguniang panlalawigan* shall be determined on the basis of the proportion of votes obtained by each winning candidate to the total number of registered voters in the province in the immediately preceding local elections.

Section 21. Permanent Vacancies in the Sangguniang Panlalawigan. –

(a) Permanent vacancies in the *sangguniang panlalawigan* where automatic succession as provided does not apply shall be filled by appointment by the President, through the Executive Secretary.

(b) Only the nominee of the political party under which the *sanggunian* member concerned had been elected and whose elevation to the position next higher in rank created the last vacancy in the *sanggunian* shall be appointed in the manner herein provided. The appointee shall come from the same political party as that of the *sanggunian* member who caused the vacancy and shall serve the unexpired term of the vacant office.

In the appointment herein mentioned, a nomination and a certificate of membership of the appointee from the highest official of the political party concerned are conditions *sine qua non*, and any appointment without such nomination and certification shall be null and void *ab initio* and shall be a ground for administrative action against the official responsible therefor.

(c) In case the permanent vacancy is caused by a *sanggunian* member who does not belong to any political party, the provincial governor shall, upon recommendation of the *sangguniang panlalawigan*, appoint a qualified person to fill in the vacancy.

(d) In case of vacancy in the representation of the *sangguniang kabataan*, the *sangguniang barangay* and the provincial league of councilors in the *sangguniang panlalawigan*, said vacancy shall be filled in automatically by the official next-in-rank of the organization concerned.

Section 22. Temporary Vacancy in the Office of the Provincial Governor. –

(a) When the provincial governor is temporarily incapacitated to perform his or her duties for physical or legal reasons such as, but not limited to, leave of absence, travel abroad and suspension from office, the provincial vice governor shall automatically exercise the powers and perform the duties and functions of the provincial governor, except the power to appoint, suspend or dismiss employees which can only be exercised if the period of temporary incapacity exceeds thirty (30) working days.

(b) Said temporary incapacity shall terminate upon submission to the *sangguniang panlalawigan* of a written declaration by the provincial governor that he or she has reported back to office. In case where the temporary incapacity is due to legal cause, the

provincial governor shall also submit necessary documents showing that the said legal cause no longer exists.

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

(d) In the event, however, that the provincial governor fails or refuses to issue such authorization, the provincial vice governor shall have the right to assume the powers, duties and functions of the said office on the fourth (4th) day of absence of the provincial governor, subject to the limitations provided for in subsection (c) hereof.

(e) Except as provided above, the provincial governor shall, in no case, authorize any local official to assume the powers, duties and functions of the office other than the provincial vice governor.

ARTICLE VII

APPOINTIVE PROVINCIAL OFFICIALS: THEIR QUALIFICATIONS, POWERS, AND DUTIES

Section 23. *The Secretary to the Sangguniang Panlalawigan.* –

(a) There shall be a secretary to the sangguniang panlalawigan who shall be a career official with the rank and salary equal to a head of a department or office.

(b) No person shall be appointed secretary to the sanggunian unless he or she is a citizen of the Philippines, a resident of the province, of good moral character, a holder of a college degree preferably in law, commerce or public administration from a recognized college or university, and a first grade civil service eligible or its equivalent.

(c) The secretary to the *sanggunian* shall take charge of the office of the *sangguniang panlalawigan*, and shall:

- (1) Attend meetings of the *sanggunian* and keep a journal of its proceedings;
- (2) Keep the seal of the LGU and affix the same with his or her signature to all ordinances, resolutions and other official acts of the *sanggunian* and present the same to the presiding officer for his or her signature;
- (3) Forward to the provincial governor, for approval, copies of ordinances enacted and by the *sanggunian* and duly certified by the presiding officer, in the manner provided for in Section 54 of the Local Government Code of 1991, as amended;
- (4) Forward to the *sangguniang bayan* or *sangguniang panlungsod*, as the case may be, copies of duly approved ordinances in the manner provided for in Sections 56 and 57 of the Local Government Code of 1991, as amended;
- (5) Furnish, upon the request of any interested party, certified copies of records of public character in his or her custody, upon payment to the treasurer of such fees as may be prescribed by ordinance;
- (6) Record in a book kept for the purpose, all ordinances and resolutions enacted or adopted by the *sanggunian*, with the dates of passage and publication thereof;

(7) Keep his or her office and all nonconfidential records therein open to the public during usual business hours;

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

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

(d) Exercise such powers and perform such other duties and functions as may be prescribed by law or ordinance relative to his or her position.

Section 24. *The Provincial Treasurer.* –

(a) The provincial treasurer shall be appointed by the Secretary of Finance from a list of at least three (3) ranking eligible recommendees of the provincial governor, subject to civil service law, rules and regulations.

(b) The provincial treasurer shall be under the administrative supervision of the provincial governor, to whom he or she shall report regularly on the tax collection efforts in the LGU.

(c) No person shall be appointed provincial treasurer unless he or she is a citizen of the Philippines, a resident of the province, of good moral character, a holder of a college degree preferably in commerce, public administration or law from a recognized college or university, and a first grade civil service eligible or its equivalent. He or she must have acquired experience in treasury or accounting service for at least five (5) years.

The appointment of the provincial treasurer shall be mandatory.

(d) He or she shall take charge of the treasury office, and perform the duties as provided for under Book II of the Local Government Code of 1991, as amended, and shall:

(1) Advise the provincial governor or the *sanggunian*, as the case may be, and other local government and national officials concerned regarding disposition of local government funds and on such other matters relative to public finance;

(2) Take custody of and exercise proper management of the funds of the LGU concerned;

(3) Take charge of the disbursement of all local government funds and such other funds, the custody of which may be entrusted to him or her by law or other competent authority;

(4) Inspect private commercial and industrial establishments within the jurisdiction of the province in relation to the implementation of tax ordinances, pursuant to the provisions under Book II of the Local Government Code of 1991, as amended;

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

(6) Exercise technical supervision over all treasury offices of component cities and municipalities.

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

Section 25. The Provincial Assessor. –

(a) No person shall be appointed provincial assessor unless he or she is a citizen of the Philippines, a resident of the province, of good moral character, a holder of a college degree preferably in civil or mechanical engineering, commerce or any other related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He or she must have acquired experience in real property assessment work or in any related field for at least five (5) years.

The appointment of the provincial assessor shall be mandatory.

(b) The provincial assessor shall take charge of the assessor's office and perform the duties as provided for under Book II of the Local Government Code of 1991, as amended, and shall:

- (1) Ensure that all laws and policies governing the appraisal and assessment of real properties for taxation purposes are properly executed;
- (2) Initiate, review and recommend changes in policies and objectives, plans and programs, techniques, procedures and practices in the valuation and assessment of real properties for taxation purposes;
- (3) Establish a systematic method of real property assessment;
- (4) Install and maintain a real property identification and accounting system;
- (5) Prepare, install and maintain a system of tax mapping, showing graphically all property subject to assessment and gather all data concerning the same;
- (6) Conduct frequent physical surveys to verify and determine whether all real properties within the province are properly listed in the assessment rolls;
- (7) Exercise the functions of appraisal and assessment primarily for taxation purposes of all real properties in the province;
- (8) Prepare a schedule of the fair market value for the different classes of real properties in accordance with Title 2, Book II of the Local Government Code of 1991, as amended;
- (9) Issue, upon request of any interested party, certified copies of assessment records of real properties and all other records relative to its assessment, upon payment of a service charge or fee to the provincial treasurer;
- (10) Submit every semester a report of all assessments, as well as cancellations and modifications of assessments to the provincial governor and the *sangguniang panlalawigan*; and
- (11) Exercise technical supervision and visitorial functions over all component city and municipal assessors, coordinate with component city or municipal assessors in the conduct of tax mapping operations and all other assessment activities, and provide all forms of assistance therefor: *Provided, however,* That, upon full provision by the component city or municipality concerned to its assessor's office of the minimum personnel, equipment and funding requirements as may be prescribed by the Secretary of Finance, such functions shall be delegated to the said municipal assessor.

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

Section 26. *The Provincial Accountant.* –

(a) No person shall be appointed provincial accountant unless he or she is a citizen of the Philippines, a resident of the province, of good moral character and a certified public accountant. He or she must have acquired experience in the treasury or accounting service for at least five (5) years.

The appointment of a provincial accountant is mandatory.

(b) The provincial accountant shall take charge of both the accounting and internal audit services of the province, and shall:

- (1) Install and maintain an internal audit system in the province;
- (2) Prepare and submit financial statements to the provincial governor and to the *sangguniang panlalawigan*;
- (3) Apprise the *sanggunian* and other local government officials on the financial condition and operations of the provincial government;
- (4) Certify to the availability of budgetary allotment from which expenditures and obligations may be properly charged;
- (5) Review supporting documents before the preparation of vouchers to determine completeness of requirements;
- (6) Prepare statements of cash advances, liquidations, salaries, allowances, reimbursements and remittances pertaining to the provincial government;
- (7) Prepare statements of journal vouchers and liquidations of the same and other adjustments related thereto;
- (8) Post individual disbursements to subsidiary ledgers and index cards;
- (9) Maintain individual ledgers for officials and employees of the provincial government pertaining to payrolls and deductions;
- (10) Record and post in index cards details of purchased furniture, fixtures and equipment, including disposal thereof, if any;
- (11) Account for all issued requests for obligations and maintain and keep all records and reports related thereto;
- (12) Prepare journals and the analysis of obligations and maintain and keep all records and reports related thereto; and
- (13) Exercise such other powers and perform such other duties and functions as may be provided by law or ordinance.

Section 27. *The Provincial Budget Officer.* –

(a) No person shall be appointed provincial budget officer unless he or she is a citizen of the Philippines, a resident of the province, of good moral character, a holder of a college degree preferably in accounting, economics, public administration or any related course

from a recognized college or university, and a first grade civil service eligible or its equivalent. He or she must have acquired experience in government budgeting or in any related field for at least five (5) years.

The appointment of the provincial budget officer shall be mandatory.

(b) The provincial budget officer shall take charge of the budget office, and shall:

- (1) Prepare forms, orders and circulars embodying instructions on budgetary and appropriation matters for the signature of the provincial governor;
- (2) Review and consolidate the budget proposals of different departments and offices of the province;
- (3) Assist the provincial governor in the preparation of the budget and during the budget hearings;
- (4) Study and evaluate budgetary implications of proposed legislation and submit comments and recommendations thereon;
- (5) Submit periodic budgetary reports to the Department of Budget and Management (DBM);
- (6) Coordinate with the provincial treasurer, the provincial accountant and the provincial planning and development coordinator for the purpose of budgeting;
- (7) Assist the *sangguniang panlalawigan* in reviewing the approved budgets of the component cities and municipalities; and
- (8) Coordinate with the provincial planning and development coordinator in the formulation of the provincial development plan.

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

(d) The appropriations for personal services of the budget officer shall be provided for in full in the annual budget of the provincial government.

Section 28. *The Provincial Planning and Development Coordinator.* –

(a) No person shall be appointed provincial planning and development coordinator unless he or she is a citizen of the Philippines; a resident of the province; of good moral character; a holder of a college degree preferably in urban planning, development studies, economics, public administration or in any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He or she must have acquired experience in development planning or in any related field for at least five (5) years.

The appointment of a provincial planning and development coordinator shall be mandatory to the provincial government.

(b) The provincial planning and development coordinator shall take charge of the planning and development office, and shall:

- (1) Formulate integrated economic, social, physical and other development plans and policies for consideration of the local government development council;

- (2) Conduct continuing studies, researches and training programs necessary to evolve plans and programs for implementation;
 - (3) Integrate and coordinate all sectoral plans and studies undertaken by the different functional groups and agencies;
 - (4) Monitor and evaluate the implementation of the different development programs, projects and activities in the province in accordance with the approved development plan;
 - (5) Prepare comprehensive plans and other development planning documents for the consideration of the provincial development council;
 - (6) Analyze the income and expenditure patterns, and formulate and recommend fiscal plans and policies for the consideration of the finance committee of the province as provided under Title V, Book II of the Local Government Code of 1991, as amended;
 - (7) Promote people's participation in development planning within the province; and
 - (8) Exercise supervision and control over the secretariat of the provincial development council.
- (c) Exercise such other powers and perform such other functions and duties as may be prescribed by law or ordinance.

Section 29. *The Provincial Engineer.* –

(a) No person shall be appointed provincial engineer unless he or she is a citizen of the Philippines, a resident of the province, of good moral character and a licensed civil engineer. He or she must have acquired experience in the practice of his or her profession for at least five (5) years.

The appointment of the provincial engineer shall be mandatory.

- (b) The provincial engineer shall take charge of the engineering office, and shall:
- (1) Initiate, review and recommend changes in policies and objectives, plans and programs, techniques, procedures and practices in infrastructure development and public works in general of the province;
 - (2) Advise the provincial governor on infrastructure, public works and other engineering matters;
 - (3) Administer, coordinate, supervise and control the construction, maintenance, improvement and repair of roads, bridges and other engineering and public works projects of the province;
 - (4) Provide engineering services to the province, including investigations and surveys, engineering designs, feasibility studies and project management; and
 - (5) Exercise technical supervision over all engineering offices of the component cities and municipalities.
- (c) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

Section 30. *The Provincial Health Officer.* –

(a) No person shall be appointed provincial health officer unless he or she is a citizen of the Philippines, a resident of the province, of good moral character and a licensed medical practitioner. He or she must have acquired experience in the practice of his or her profession for at least five (5) years.

The appointment of a provincial health officer shall be mandatory.

(b) The provincial health officer shall take charge of the office on health services, and shall:

(1) Supervise the personnel and staff of the said office, formulate program implementation guidelines and rules and regulations for the operation of the said office for the approval of the provincial governor in order to assist him or her in the efficient, effective and economical implementation of health services program geared to the implementation of health-related projects and activities;

(2) Formulate measures for the consideration of the *sangguniang panlalawigan* and provide technical assistance and support to the provincial governor in carrying out activities to ensure the delivery of basic services and the provision of adequate facilities relative to health services provided for under Section 17 of the Local Government Code of 1991, as amended;

(3) Develop plans and strategies and, upon approval thereof by the provincial governor, implement the same, particularly those which have to do with health programs and projects which the provincial governor is empowered to implement and which the *sanggunian* is empowered to provide for under the Local Government Code of 1991, as amended;

(4) In addition to the foregoing duties and functions, the provincial health officer shall:

(i) Formulate and implement policies, plans, programs and projects to promote the health of the people of the province;

(ii) Advise the provincial governor and the *sanggunian* on matters pertaining to health;

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

(iv) Recommend to the *sanggunian*, through the provincial health board, the passage of such ordinances as he or she may deem necessary for the preservation of public health;

(v) Recommend the prosecution of any violation of sanitary laws, ordinances and regulations;

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

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

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

(ix) Exercise general supervision over health offices of component cities and municipalities; and

(5) Be in the frontline of the delivery of health services, particularly during and in the aftermath of man-made and natural disasters or calamities.

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

Section 31. *The Provincial Administrator.* –

(a) No person shall be appointed provincial administrator unless he or she is a citizen of the Philippines; a resident of the province; of good moral character; a holder of a college degree preferably in public administration, law or any related course from a recognized college or university; and a first grade civil service eligible or its equivalent. He or she must have acquired experience in management and administration work for at least five (5) years.

The term of the provincial administrator is coterminous with that of his or her appointing authority.

The appointment of the provincial administrator shall be mandatory.

(b) The provincial administrator shall take charge of the office of the administrator, and shall:

(1) Develop plans and strategies and, upon approval thereof by the provincial governor, implement the same, particularly those which have to do with the management and administration-related programs and projects which the provincial governor is empowered to implement and which the *sanggunian* is empowered to provide for under the Local Government Code of 1991, as amended;

(2) In addition to the foregoing duties and functions, the provincial administrator shall:

(i) Assist in the coordination of the work of all the officials of the province under the supervision, direction and control of the provincial governor and, for this purpose, he or she may convene the chiefs of offices and other officials of the province;

(ii) Establish and maintain a sound personnel program for the province designed to promote career development and uphold the merit principle in the province; and

(iii) Conduct a continuing organizational development of the province with the end in view of instituting effective administrative reforms;

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

- (4) Recommend to the *sanggunian* and advise the provincial governor on all other matters relative to the management and administration of the province; and
- (5) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

Section 32. The Provincial Legal Officer. --

(a) No person shall be appointed provincial legal officer unless he or she is a citizen of the Philippines, a resident of the province, of good moral character and a member of the Philippine Bar. He or she must have practiced his or her profession for at least five (5) years.

The term of the provincial legal officer shall be coterminous with that of his or her appointing authority.

The appointment of the provincial legal officer shall be mandatory.

(b) The provincial legal officer, the chief legal counsel of the province, shall take charge of the office for legal services, and shall:

(1) Formulate measures for the consideration of the *sanggunian* and provide legal assistance and support to the provincial governor in carrying out the delivery of basic services and the provisions of adequate facilities as provided for under Section 17 of the Local Government Code of 1991, as amended;

(2) Develop plans and strategies and, upon approval thereof by the provincial governor, implement the same, particularly those which have to do with the programs and projects related to legal services which the provincial governor is empowered to implement and which the *sanggunian* is empowered to provide for under the Local Government Code of 1991, as amended;

(3) In addition to the foregoing duties and functions, the provincial legal officer shall:

(i) Represent the province in all civil actions and special proceedings wherein the province or any official thereof, in his or her official capacity, is a party: *Provided*, That actions or proceedings where a component city or municipality is a party adverse to the provincial government or to another component city or municipality, a special legal officer may be employed to represent the adverse party;

(ii) When required by the provincial governor or the *sanggunian*, draft ordinances, contracts, bonds, leases and other instruments, involving any interest of the province and provide comments and recommendations on any instrument already drawn;

(iii) Render his or her opinion in writing on any question of law when requested to do so by the provincial governor or the *sanggunian*;

(iv) Investigate or cause to be investigated any provincial official or employee for administrative neglect or misconduct in office and recommend appropriate action to the provincial governor, or the *sangguniang panlalawigan*;

(v) Investigate or cause to be investigated any person, firm or corporation holding any franchise or exercising any public privilege for failure to comply

with any term or condition in the grant of such franchise or privilege, and recommend appropriate action to the provincial governor or the *sanggunian*;

(vi) When directed by the provincial governor or the *sanggunian*, initiate and prosecute, in the interest of the province, any civil action on any bond, lease or other contract upon any breach or violation thereof; and

(vii) Review and submit recommendations on ordinances approved and executive orders issued by the component cities and municipalities;

(4) Recommend measures to the *sangguniang panlalawigan* and advise the provincial governor on all other matters related to the upholding of the rule of law; and

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

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

Section 33. *The Provincial Agriculturist.* –

(a) No person shall be appointed provincial agriculturist unless he or she is a citizen of the Philippines, a resident of the province, of good moral character, a holder of a college degree in agriculture or in any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He or she must have practiced his or her profession in agriculture or acquired experience in a related field for at least five (5) years.

The appointment of the provincial agriculturist shall be mandatory.

(b) The provincial agriculturist shall take charge of the office for agricultural services, and shall:

(1) Formulate measures for the approval of the *sanggunian* and provide technical assistance and support to the provincial governor in carrying out said measures to ensure the delivery of basic services and the provision of adequate facilities relative to agricultural services as provided for under Section 17 of the Local Government Code of 1991, as amended;

(2) Develop plans and strategies and, upon approval thereof by the provincial governor, implement the same, particularly those which have to do with the agricultural programs and projects which the provincial governor is empowered to implement and which the *sanggunian* is empowered to provide for under the Local Government Code of 1991, as amended;

(3) In addition to the foregoing duties and functions, the provincial agriculturist shall:

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

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

(iii) Assist the provincial governor in the establishment and extension services of demonstration farms on aquaculture and marine products;

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

(v) Coordinate with government agencies and nongovernmental organizations which promote agricultural productivity through appropriate technology compatible with environmental integrity;

(4) Be in the frontline of delivery of basic agricultural services, particularly those needed for the survival of the inhabitants during and in the aftermath of man-made and natural disasters or calamities; and

(5) Recommend to the *sanggunian* and advise the provincial governor on all matters related to agriculture and aquaculture which will improve the livelihood and living conditions of the inhabitants.

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

Section 34. The Provincial Social Welfare and Development Officer. –

(a) No person shall be appointed provincial social welfare and development officer unless he or she is a citizen of the Philippines, a resident of the province, of good moral character, a duly licensed social worker, or a holder of a college degree preferably in sociology or in any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He or she must have acquired experience in the practice of social work for at least five (5) years.

The appointment of a provincial social welfare and development officer shall be mandatory.

(b) The provincial social welfare and development officer shall take charge of the office on social welfare and development services, and shall:

(1) Formulate measures for the approval of the *sanggunian* and provide technical assistance and support to the provincial governor in carrying out measures to ensure the delivery of basic services and the provision of adequate facilities relative to social welfare and development services as provided for under Section 17 of the Local Government Code of 1991, as amended;

(2) Develop plans and strategies and, upon approval thereof by the provincial governor, implement the same, particularly those which have to do with the social welfare programs and projects which the provincial governor is empowered to implement and which the *sanggunian* is empowered to provide for under the Local Government Code of 1991, as amended;

(3) In addition to the foregoing duties, the provincial social welfare and development officer shall:

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

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

(iii) Assist the provincial governor in implementing the barangay level program for the total development and protection of children up to six (6) years of age;

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

(v) Initiate and support welfare programs that will enhance the role of the youth in nation-building; and

(vi) Coordinate with government agencies and nongovernmental organizations which have for their purpose the promotion and the protection of all the needy, disadvantaged, underprivileged or impoverished groups or individuals, particularly those identified to be vulnerable and high-risk to exploitation, abuse and neglect;

(4) Be in the frontline of service delivery, particularly those which have to do with the immediate relief and assistance during and in the aftermath of man-made and natural disasters or calamities; and

(5) Recommend to the *sanggunian* and advise the provincial governor on all other matters related to social welfare and development service which will improve the livelihood and living conditions of the inhabitants.

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

Section 35. The Provincial Environment and Natural Resources Officer. –

(a) No person shall be appointed provincial environment and natural resources officer unless he or she is a citizen of the Philippines, a resident of the province, of good moral character, a holder of a college degree preferably in environment, forestry, agriculture or any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He or she must have acquired experience in environmental and natural resources management, conservation and utilization for at least five (5) years.

The appointment of a provincial environment and natural resources officer shall be optional.

(b) The provincial environment and natural resources officer shall take charge of the office on environment and natural resources, and shall:

(1) Formulate measures for the consideration of the *sanggunian* and provide technical assistance and support to the provincial governor in carrying out measures to ensure the delivery of basic services and the provision of adequate facilities relative to environment and natural resources services as provided for under Section 17 of the Local Government Code of 1991, as amended;

(2) Develop plans and strategies and, upon approval thereof by the provincial governor, implement the same, particularly those which have to do with the environment and natural resources programs and projects which the provincial governor is empowered to implement and which the *sanggunian* is empowered to provide for under the Local Government Code of 1991, as amended;

(3) In addition to the foregoing duties and functions, the environment and natural resources officer shall:

(i) Establish, maintain, protect and preserve communal forests, watersheds, tree parks, mangroves, greenbelts, commercial forests and similar forest projects like industrial tree farms and agro-forestry projects;

(ii) Provide extension services to beneficiaries of forest development projects and technical, financial and infrastructure assistance;

(iii) Manage and maintain seed banks and produce seedlings for forests and tree parks;

(iv) Provide extension services to beneficiaries of forest development projects and render assistance for natural resources-related conservation and utilization activities consistent with ecological balance;

(v) Promote small-scale mining and utilization of mineral resources, particularly the mining of gold; and

(vi) Coordinate with government agencies and nongovernmental organizations in the implementation of measures to prevent and control land, air and water pollution with the assistance of the Department of Environment and Natural Resources (DENR);

(4) Be in the frontline of the delivery of services concerning the environment and natural resources, particularly in the renewal and rehabilitation of the environment during and in the aftermath of man-made and natural disasters or calamities; and

(5) Recommend to the *sanggunian* and advise the provincial governor on all matters relative to the protection, conservation, maximum utilization, application of appropriate technology and other matters related to the environment and natural resources.

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

Section 36. *The Provincial Veterinarian.* –

(a) No person shall be appointed provincial veterinarian unless he or she is a citizen of the Philippines, a resident of the province, of good moral character and a licensed doctor of veterinary medicine. He or she must have practiced his or her profession for at least three (3) years.

The appointment of a provincial veterinarian shall be mandatory.

(b) The provincial veterinarian shall take charge of the office for veterinary services, and shall:

(1) Formulate measures for the consideration of the *sanggunian* and provide technical assistance and support to the provincial governor in carrying out

measures to ensure the delivery of basic services and the provision of adequate facilities pursuant to Section 17 of the Local Government Code of 1991, as amended;

(2) Develop plans and strategies and, upon approval thereof by the provincial governor, implement the same, particularly those which have to do with the veterinary-related activities which the provincial governor is empowered to implement and which the *sanggunian* is empowered to provide for under the Local Government Code of 1991, as amended;

(3) In addition to the foregoing duties and functions, the provincial veterinarian shall:

(i) Advise the provincial governor on all matters pertaining to the slaughter of animals for human consumption and the regulation of slaughterhouses;

(ii) Regulate the keeping of domestic animals;

(iii) Regulate and inspect poultry, milk and dairy products for public consumption;

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

(v) Take the necessary measures to eradicate, prevent or cure all forms of animal diseases;

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

(5) Recommend to the *sanggunian* and advise the provincial governor on all other matters relative to veterinary services which will increase the number and improve the quality of livestock, poultry and other domestic animals used for work or for human consumption.

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

Section 37. The Provincial General Services Officer. –

(a) No person shall be appointed provincial general services officer unless he or she is a citizen of the Philippines, a resident of the province, of good moral character, a holder of a college degree in public administration, business administration and management from a recognized college or university, and a first grade civil service eligible or its equivalent. He or she must have acquired experience in general services, including the management of supply, property, solid waste disposal and general sanitation for at least five (5) years.

The appointment of a provincial general services officer shall be mandatory.

(b) The provincial general services officer shall take charge of the office of general services, and shall:

(1) Formulate measures for the consideration of the *sanggunian* and provide technical assistance and support to the provincial governor in carrying out

measures to ensure the delivery of basic services and the provision of adequate facilities pursuant to Section 17 of the Local Government Code of 1991, as amended, and which require general services expertise and technical support services;

(2) Develop plans and strategies and, upon approval thereof by the provincial governor, implement the same, particularly those which have to do with general services supportive to the welfare of the inhabitants which the provincial governor is empowered to implement and which the *sanggunian* is empowered to provide for under the Local Government Code of 1991, as amended;

(3) In addition to the foregoing duties and functions, the provincial general services officer shall:

(i) Take custody of and be accountable for all properties, real or personal, owned by the provincial government and those granted to it in the form of donation, reparation, assistance and counterpart of joint projects;

(ii) With the approval of the provincial governor, assign building or land space to provincial officials or other public officials who, by law, are entitled to such space;

(iii) Recommend to the provincial governor, the reasonable rental rates for local government properties whether real or personal which will be leased to public or private entities by the provincial government;

(iv) Recommend to the provincial governor, the reasonable rental rates of private properties which may be leased for the official use of the provincial government;

(v) Maintain and supervise janitorial, security, landscaping and other related services on all local government public buildings and other real property, whether owned or leased by the provincial government;

(vi) Collate and disseminate information regarding prices, shipping and other costs of supplies and other items commonly used by the provincial government;

(vii) Perform archival and record management with respect to records of offices and departments of the province; and

(viii) Perform all other functions pertaining to supply and property management heretofore performed by the local government treasurer and to enforce policies on records creation, maintenance and disposal;

(4) Be in the frontline of general services-related activities, such as the possible or imminent destruction or damage to records, supplies, properties and structures and the orderly and sanitary clearing up of waste materials or debris, particularly during and in the aftermath of man-made and natural disasters or calamities; and

(5) Recommend to the *sanggunian* and advise the provincial governor on all matters relative to general services.

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

Section 38. *The Provincial Cooperatives Officer.* –

(a) No person shall be appointed provincial cooperatives officer unless he or she is a citizen of the Philippines, a resident of the province, of good moral character, a holder of a college degree preferably in business administration course with special training in cooperatives or any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He or she must have acquired experience in cooperatives organization and management for at least five (5) years.

The appointment of a provincial cooperatives officer shall be optional.

(b) The provincial cooperatives officer shall take charge of the office for the development of cooperatives, and shall:

(1) Formulate measures for the consideration of the *sanggunian* and provide technical assistance and support to the provincial governor in carrying out measures to ensure the delivery of basic services and the provision of adequate facilities through the development of cooperatives, and in providing access to such services and facilities;

(2) Develop plans and strategies and, upon approval thereof by the provincial governor, implement the same, particularly those which have to do with the integration of cooperatives principles and methods in programs which the provincial governor is empowered to implement and which the *sanggunian* is empowered to provide for under the Local Government Code of 1991, as amended;

(3) In addition to the foregoing duties and functions, the provincial cooperatives officer shall:

(i) Assist in the organization of cooperatives;

(ii) Provide technical and the forms of assistance to existing cooperatives to enhance their viability as an economic enterprise and social organization; and

(iii) Assist cooperatives in establishing linkages with government agencies and nongovernmental organizations involved in the promotion and integration of the concept of cooperatives in the livelihood of the people and other community activities;

(4) Be in the frontline of cooperatives organization, rehabilitation or viability enhancement, particularly during and in the aftermath of man-made and natural disasters or calamities, to aid in their survival and, if necessary, subsequent rehabilitation; and

(5) Recommend to the *sanggunian* and advise the provincial governor on all other matters relative to cooperatives development and viability enhancement which will improve the livelihood and the quality of life of the inhabitants.

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

Section 39. *The Provincial Architect.* –

(a) No person shall be appointed provincial architect unless he or she is a citizen of the Philippines, a resident of the province, of good moral character and a duly licensed architect. He or she must have practiced his or her profession for at least five (5) years.

The appointment of a provincial architect shall be optional.

(b) The provincial architect shall take charge of the office on architectural planning and design, and shall:

(1) Formulate measures for the consideration of the *sanggunian* and provide technical assistance and support to the provincial governor in carrying out measures to ensure the delivery of basic services and the provision of adequate facilities relative to architectural planning and design as provided for under Section 17 of the Local Government Code of 1991, as amended;

(2) Develop plans and strategies and, upon approval thereof by the provincial governor, implement the same, particularly those which have to do with architectural planning and design programs and projects which the provincial governor is empowered to implement and which the *sanggunian* is empowered to provide for under the Local Government Code of 1991, as amended;

(3) In addition to the foregoing duties and functions, the provincial architect shall:

(i) Prepare and recommend for consideration of the *sanggunian* the architectural plan and design for the province or a part thereof, including the renewal of slums and blighted areas, land reclamation activities, the greening of land and the appropriate planning of marine and foreshore areas;

(ii) Review and recommend for appropriate action of the *sanggunian* and the provincial governor, the architectural plan and design submitted by governmental and nongovernmental entities or individuals, particularly those for undeveloped, underdeveloped and poorly-designed areas; and

(iii) Coordinate with government agencies and nongovernmental entities and individuals involved in the aesthetics and the maximum utilization of the land and water within the jurisdiction of the province, compatible with environmental integrity and ecological balance;

(4) Be in the frontline of the delivery of basic services involving architectural planning and design, particularly those related to the redesigning of spatial distribution of basic facilities and physical structures during and in the aftermath of man-made and natural calamities or disasters; and

(5) Recommend to the *sanggunian* and advise the provincial governor on all other matters related to the architectural planning and design as it relates to the total socioeconomic development of the province.

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

Section 40. The Provincial Population Officer. – (

a) No person shall be appointed provincial population officer unless he or she is a citizen of the Philippines, a resident of the province, of good moral character, a holder of a college degree with specialized training in population development from a recognized college or university, and a first grade civil service eligible or its equivalent. He or she must have

experience in the implementation of programs on population development or responsible parenthood for at least five (5) years.

The appointment of a provincial population officer shall be optional.

(b) The provincial population officer shall take charge of the office on population development, and shall:

(1) Formulate measures for the consideration of the *sanggunian* and provide technical assistance and support to the provincial governor in carrying out measures to ensure the delivery of basic services and the provision of adequate facilities relative to the integration of the population development principles and in providing access to said services and facilities;

(2) Develop plans and strategies and, upon approval thereof by the provincial governor, implement the same, particularly those which have to do with the integration of population development principles and methods in programs and projects which the provincial governor is empowered to implement and which the *sanggunian* is empowered to provide for under the Local Government Code of 1991, as amended; and

(3) In addition to the foregoing duties and functions, the provincial population officer shall:

(i) Assist the provincial governor in the implementation of the constitutional provisions relative to population development and the promotion of responsible parenthood;

(ii) Establish and maintain an updated data bank for program operations, development planning and an educational program to ensure the people's participation in and undertaking of population development; and

(iii) Implement appropriate training programs responsive to the cultural heritage of the inhabitants.

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

Section 41. *The Provincial Information Officer.* –

(a) No person shall be appointed provincial information officer unless he or she is a citizen of the Philippines, a resident of the province, of good moral character, a holder of a college degree preferably in journalism, mass communication or any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He or she must have acquired experience in writing articles and research papers, or in writing for print, television or broadcast media for at least three (3) years.

The term of the provincial information officer is coterminous with that of his or her appointing authority.

The appointment of a provincial information officer shall be optional.

(b) The provincial information officer shall take charge of the office on public information, and shall:

(1) Formulate measures for the consideration of the *sanggunian* and provide technical assistance and support to the provincial governor in providing the

information and research data required for the delivery of basic services and the provision of adequate facilities so that the public becomes aware of the said service and may fully avail of the same;

(2) Develop plans and strategies and, upon approval thereof by the provincial governor, implement the same, particularly those which have to do with public information and research data to support the programs and projects which the provincial governor is empowered to implement and which the *sanggunian* is empowered to provide for under the Local Government Code of 1991, as amended;

(3) In addition to the foregoing duties and functions, the information officer shall:

(i) Provide relevant, adequate and timely information to the provincial government and its residents;

(ii) Maintain effective liaison with the various sectors of the community on matters and issues that affect the livelihood and the quality of life of the inhabitants and encourage support for programs of the local and national government; and

(iii) Furnish information and data on the province to government agencies or offices as may be required by law or ordinance and nongovernmental organizations to be furnished to said agencies and organizations;

(4) Be in the frontline of providing information during and in the aftermath of man-made and natural disasters or calamities, with special attention to the victims thereof, to help minimize injuries and casualties during and after emergency, and accelerate relief and rehabilitation; and

(5) Recommend to the *sanggunian* and advise the provincial governor on all other matters relative to public information and research data as it relates to the total socioeconomic development of the province.

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

ARTICLE VIII

THE PROVINCIAL FIRE STATION, THE PROVINCIAL JAIL, THE PROVINCIAL SCHOOLS DIVISION AND THE PROVINCIAL PROSECUTION SERVICE

Section 42. *The Provincial Fire Station Service.* –

(a) There shall be established in the province at least five (5) fire stations with adequate personnel, firefighting facilities and equipment by the DILG, within two (2) months upon the commencement of the corporate existence of the new province. The provincial government shall provide the necessary land or site of the provincial fire stations.

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

(c) The provincial fire stations shall be responsible for the protection of various emergency services such as the rescue and evacuation of injured people at fire-related incidents and,

in general, fire prevention and suppression measures to secure the safety of life and property of the citizenry.

Section 43. *The Provincial Jail Service.* –

(a) There shall be established and maintained in the province, within two (2) months upon the commencement of the corporate existence of the new province by the DILG, a secured, clean, adequately equipped and sanitary jail facility for the custody and safekeeping of prisoners, any fugitive from justice, or person detained awaiting investigation or trial and/or transfer to the national penitentiary, and/or violent mentally ill person who endangers himself or the safety of others, duly certified as such by the proper medical health officer, pending the transfer to a mental institution.

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

Section 44. *The Provincial Schools Division.* –

(a) The DepED shall, within two (2) months upon the commencement of the corporate existence of the province herein created, establish and maintain a separate schools division in the province whose jurisdiction shall cover all the municipalities of the new province.

(b) The provincial schools division shall be headed by a division superintendent who must possess the necessary qualifications required by the DepED.

Section 45. *The Provincial Prosecution Service.* –

(a) There shall be established and maintained a prosecution service by the Department of Justice (DOJ), within two (2) months upon the commencement of the corporate existence of the province herein created, who shall be headed by a provincial prosecutor and such number of assistant prosecutors as may be necessary, who shall be organizationally part of the DOJ, and under the supervision and control, of the Secretary of the DOJ, and whose qualifications, manner of appointment, rank, salary and benefits shall be governed by existing laws covering prosecutors in the DOJ.

(b) The provincial prosecutor shall handle the criminal prosecution in the municipal trial courts in the province as well as in the regional trial courts for criminal cases originating in the territory of the new province and shall render to and for the province such other services as are required by law or regulation of the DOJ.

**ARTICLE IX
TRANSITORY AND FINAL, PROVISIONS**

Section 46. *Plebiscite.* –

The Province of Western Maguindanao shall be created, as provided for in this Charter, upon approval by the majority of the votes cast by the voters of the affected areas in a plebiscite to be conducted and supervised by the Commission on Elections (COMELEC) within sixty (60) days from the date of the effectivity of this Charter.

The amount necessary for the conduct of the plebiscite shall be borne by the Province of Maguindanao.

Section 47. *Commencement of Corporate Existence.* –

The Province of Western Maguindanao shall commence corporate existence upon the composition, qualification and assumption of the provincial governor, provincial vice governor and majority of the members of the *sangguniang panlalawigan*.

Section 48. *Officials of the Province of Western Maguindanao.* –

The elective officials of the Province of Western Maguindanao shall be elected in the next national and local elections following the effectivity of this charter.

However, if this charter is ratified more than six (6) months prior to the next national and local elections following its approval and effectivity, the highest ranking elective provincial official of the Province of Maguindanao who is a resident of the new province shall assume as its acting provincial governor, and shall continue in office until his or her successor shall have been elected and qualified.

a) The Vice Governor and other members of the *Sangguniang Panlalawigan* shall be appointed by the President of the Republic of the Philippines from among the qualified residents of the new province at the recommendation of the Provincial Governor; Provided, that the incumbent elected members of the *Sangguniang Panlalawigan* from the First Legislative District of Maguindanao shall be entitled to retain their respective positions and finish their terms of office in the new province of the Western Maguindanao without need of appointment;

b) All vacant elective provincial positions in the present Province of Maguindanao arising as the consequence of the approval of this charter shall be filled up through appointments by the President of the Republic of the Philippines from among its qualified residents upon the recommendation of the Provincial Governor. They shall continue in office until their successors shall have been elected and qualified.

Section 49. *Organization of the Provincial Government.* –

All provincial appointive positions in the Province of Western Maguindanao shall be filled within sixty (60) days upon commencement of its corporate existence.

Section 50. *Suspension of Increase in the Rates of Local Taxes.* –

No increase in the rates of local taxes shall be imposed by the new province within the period of five (5) years from its acquisition of corporate existence.

Section 51. *Present Provincial Properties.* –

Upon the effectivity of this Act, the ownership of real properties and infrastructure projects of each LGU situated in the present Province of Maguindanao shall belong to the province where it is situated.

Section 52. *Applicability of Laws.* –

The provisions of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, as amended, Republic Act 11054, otherwise known as the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao, and other laws as are applicable to provinces shall govern the herein created province insofar as they are not inconsistent with the provisions of this Act.

Section 53. *Separability Clause.* –

If any part of this Act is declared invalid or unconstitutional, the other parts or provisions thereof shall remain valid and effective.

Section 54. *Effectivity.* – This Act shall take effect fifteen (15) days upon its publication in at least two (2) newspapers of general and local circulation.

Approved.