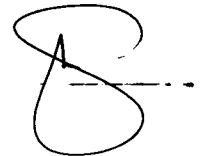


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)

24 NOV 11 P 4 :00

SENATE
S. B. No. 2875



Introduced by Senator Robinhood Padilla

AN ACT
CREATING A SPECIAL GEOGRAPHIC AREA IN THE BANGSAMORO
AUTONOMOUS REGION IN MUSLIM MINDANAO TO BE KNOWN AS
"KUTAWATO PROVINCE"

Section 2 of Republic Act No. 7160, known as the "Local Government Code of 1991," provides that territorial and political subdivisions of the State shall be granted genuine and meaningful local autonomy. This autonomy aims to empower them to achieve their fullest potential as self-reliant communities, and to enhance their role as effective partners in realizing national objectives.

The establishment of the Special Geographic Area (SGA) reflects the historic aspirations of the sixty-three (63) barangays from the municipalities of Carmen, Kabacan, Midsayap, Pigcawayan, Pikit, and Aleosan in the Province of Cotabato to become part of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), as affirmed through a plebiscite held on February 6, 2019.

Following their inclusion in the BARMM from the Province of Cotabato, registered voters in the SGA were unfortunately not afforded the opportunity to participate in the 2022 elections for selecting their Representative to the House of Representatives, along with officials for Governor, Vice-Governor, Provincial Board Members, Mayors, Vice-Mayors, Sangguniang Members, and other local government positions.

This situation raises concerns regarding their constitutional right to suffrage, as outlined in Section 1, Article V of the 1987 Philippine Constitution, which provides that all citizens of the Philippines, who are at least eighteen years of age, and meet the residence requirements, shall be entitled to vote, without additional requirements relating to literacy, property, or other qualifications.

To address this serious concern, this bill thus proposes to create an SGA under the BARMM to be known as the Kutawato Province, to be composed of the eight (8) abovementioned municipalities with Pahamuddin as its proposed capital. It outlines the powers and functions of the provincial government, including but not limited to revenue generation, taxation, land use regulations, consistent with the provisions of the Local Government Code of 1991.

To facilitate the swift development of these newly established municipalities within the SGA and to ensure the provision of essential services to their constituents, it is essential to establish a province that will oversee and support these localities. The creation of Kutawato Province also aims to streamline the delivery of basic services and facilities and enhance local government operations within these areas.

Moreover, the bill intends to empower these localities by allowing the local government to appropriate funds for the general welfare of the province and its inhabitants. This approach ensures that resource allocation and development planning are tailored to the specific needs of the SGA.

Lastly, this bill also seeks to contribute to the peace efforts of both the national government and the BARMM in areas affected by decades of armed conflict. It aims to safeguard against the disenfranchisement of residents by ensuring their access to adequate and effective government services.

With all these being said, the passage of this bill creating the Charter of the Kutawato Province is earnestly sought.




ROBINHOOD PADILLA
Senator

NINETEENTH CONGRESS OF THE)
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SENATE
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REL. TO. 

Introduced by Senator Robinhood Padilla

AN ACT
CREATING A SPECIAL GEOGRAPHIC AREA IN THE BANGSAMORO
AUTONOMOUS REGION IN MUSLIM MINDANAO TO BE KNOWN AS THE
"KUTAWATO PROVINCE"

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

ARTICLE I
GENERAL PROVISIONS

1 Section 1. *Title.* - This Act shall be known as the "*Charter of the Kutawato*
2 *Province*".

3
4 Sec. 2. *Creation* – There is hereby created a new province for the Special
5 Geographic Area, Bangsamoro Autonomous Region in Muslim Mindanao, to be known
6 as the Kutawato province.

7
8 Sec. 3. *Composition.* - The Kutawato Province shall be composed of the
9 municipalities of Pahamuddin, Kadayangan, Nabalawag, Old Kaabakan, Kapalawan,
10 Malidegao, Tugunan, and Ligawasan, which covered the sixty-three barangays in the
11 Special Geographic Area.

1 Sec. 4. *Territorial Jurisdiction.* - The territorial jurisdiction of the Kutawato
2 Province shall be within the present metes and bounds of all the municipalities
3 comprising the eight municipalities in the Special Geographic Area.
4

5 The foregoing provision shall be without prejudice to the resolution by the
6 appropriate agency or forum of existing boundary disputes or cases involving
7 questions of territorial jurisdiction between the new province and adjoining local
8 government units in case there is any in the SGA: *Provided,* That the territorial
9 boundaries of the disputed area or areas shall remain with the local government unit
10 which has existing administrative supervision over said area or areas until final
11 resolution of the case.
12

13 Sec. 5. *Capital Town and Seat of Government.* - The capital town and seat of
14 government shall be the municipality of Pahamuddin of the Kutawato Province.
15

16 Sec. 6. *Corporate Powers of the Province.* - The province constitutes a political
17 body corporate and, as such, is endowed with the attributes of perpetual succession
18 and possesses of the powers which pertain to a provincial corporation to be exercised
19 in conformity with the provisions of this Charter, the Bangsamoro Local Governance
20 Code, and, in suppletory, the Republic Act No. 7160, otherwise known as the "Local
21 Government Code of 1991," as amended. The province shall have the following
22 corporate powers:
23

- 24 (a) To exercise continuous succession in its corporate name;
- 25 (b) To sue and be sued;
- 26 (c) To use a corporate seal;
- 27 (d) To acquire and convey real or personal property;
- 28 (e) To enter into contracts and agreements; and
- 29 (f) To exercise such other powers granted to corporations, subject to the
30 limitations provided under the Bangsamoro Local Governance Code and in
31 suppletory, Local Government Code of 1991, as amended, and other laws.

Sec. 7. 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 Ministry of Interior and Local Government (MILG) and/or the Department of the Interior and Local Government (DILG). The province shall have the power to create its sources of revenues and to levy taxes, fees, and charges; 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 to 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 Local Government Code of 1991, as amended.

Sec. 8. *Liability for Damages.* - The province and its officials shall not be exempt from liability for death or injury to persons or damage to property.

Sec. 9. *Legislative District.* - The province shall have its own legislative district comprising of the municipalities enumerated under Section 3 of this Charter, which shall take effect upon the election and qualification of its representative to be held on the second Monday of May 2025;

The incumbent Representatives of the present Province of North Cotabato shall continue to represent their respective legislative districts until the expiration of their terms of office.

ARTICLE II

PROVINCIAL OFFICIALS IN GENERAL

Sec. 10. *Officials of the Provincial Government.* – (a) The Kutawato Province shall have 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

1 provincial health officer, a provincial administrator, a provincial legal officer, a
2 provincial agriculturist, a provincial social welfare and development officer, a provincial
3 veterinarian, and a provincial general services officer.

4
5 (b) In addition, thereto, the provincial governor may appoint a provincial
6 architect, a provincial population officer, a provincial environment and natural
7 resources officer, a provincial cooperative officer, and a provincial information officer.

8
9 (c) Consolidate the functions of any office with those of another in the interest
10 of efficiency, economy, and public welfare.

11
12 Unless otherwise provided herein or under the Local Government Code of 1991,
13 as amended, the heads of departments and offices shall be appointed by the provincial
14 governor with the concurrence of a majority of all the *sangguniang panlalawigan*
15 members, subject to civil service law, rules, and regulations. The *sangguniang*
16 *panlalawigan* shall act on the appointments within fifteen (15) days from the day of
17 submission; otherwise, the same shall be deemed confirmed.

18
19 Sec. 11. *Residences and Office.* - The official residence and office of the
20 provincial governor, during the latter's incumbency, shall be in the capital of the
21 province. All elective and appointive provincial officials shall hold office in the provincial
22 capital: *Provided, That*, upon the resolution of the *sangguniang panlalawigan*, elective
23 and appointive provincial officials may hold office in any component municipality within
24 the province for period of not more than seven (7) days for any given month.

25
26 Elective and appointive provincial officials shall receive such compensation,
27 allowance, and other emoluments as may be determined by law or ordinance, subject
28 to the budgetary limitations on personal services prescribed under Section 325 of the
29 Local Government Code of 1991, as amended: *Provided, That* no increase in
30 compensation shall take effect until after the expiration of the full term of all the
31 elective officials approving such increase.

1 **ARTICLE III**
2 **ELECTIVE PROVINCIAL OFFICIALS**
3

4 Sec. 12. *The Provincial Governor.* - (a) The provincial governor, as the chief
5 executive of the provincial government, shall exercise such powers and perform such
6 duties and functions as provided under the Local Government Code of 1991, as
7 amended, and other laws.
8

9 (b) For efficient, effective, and economical governance, the purpose of which
10 is the general welfare of the province and its inhabitants pursuant to Section 16 of the
11 Local Government Code of 1991, as amended, the provincial governor shall:
12

13 (1) Exercise general supervision and control over all programs, projects,
14 services, and activities of the provincial government and, in this connection,
15 shall:
16

17 (i) Determine the guidelines of provincial policies and be responsible to
18 the *sangguniang panlalawigan* for the program of government;
19

20 (ii) Direct the formulation of the provincial development plan with the
21 assistance of the provincial development council and, upon approval
22 thereof by the *sangguniang panlalawigan*, implement the same;
23

24 (iii) Present the program of government and propose policies and
25 projects for the consideration of the *sangguniang panlalawigan* at the
26 opening of the regular session of the *sangguniang panlalawigan* every
27 calendar year and as often as may be deemed necessary as the general
28 welfare of the inhabitants and the needs of the provincial government
29 may require;
30

31 (iv) Initiate and propose legislative measures to the *sangguniang*
32 *panlalawigan* and, as often as may be deemed necessary, provide such

1 information and data needed or requested in the performance of its
2 legislative functions;

3
4 (v) Appoint all officials and employees whose salaries and wages are
5 wholly or mainly paid out of provincial funds and whose appointments
6 are not otherwise provided for in this Act, as well as those that the
7 provincial governor may be authorized by law to appoint;

8
9 (vi) Represent the province in all its business transactions and sign in its
10 behalf all bonds, contracts, obligations, and such other documents upon
11 the authority of the *sangguniang panlalawigan* or pursuant to law or
12 ordinance;

13
14 (vii) Carry out such emergency measures as may be necessary during
15 and in the aftermath of man-made and natural disasters and calamities;

16
17 (viii) Determine the time, manner, and place of payment of salaries or
18 wages of the provincial officials and employees, in accordance with law
19 or ordinances;

20
21 (ix) Allocate and assign office space to the provincial and other officials
22 and employees who, by law or ordinance, are entitled to such space in
23 the provincial capital and other buildings owned or leased by the
24 provincial government;

25
26 (x) Ensure all executive officials and employees of the province to
27 faithfully discharge their duties and functions as provided for by law and
28 the Local Government Code of 1991, as amended, and cause to be
29 instituted administrative or judicial proceedings against any official or
30 employee of the province who may have committed an offense in the
31 performance of official duties;

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

7
8 (xii) Furnish copies of executive orders issued by the governor to the
9 Office of the President within seventy-two (72) hours after their
10 issuance;

11
12 (xiii) Visit municipalities and future component cities of the province at
13 least once every six (6) months to deepen the governor's understanding
14 of problems and conditions, listen and give appropriate counsel to local
15 officials and inhabitants; inform the officials and inhabitants of future
16 component cities and municipalities of general laws and ordinance which
17 especially concern them, and otherwise conduct visits and inspections to
18 ensure that the governance of the province will improve the quality of
19 life of the inhabitants;

20
21 (xiv) Act on leave applications of officials and employees and the
22 commutation of the monetary value of their leave credits in accordance
23 with law'

24
25 (xv) Authorize official trips of provincial officials and employees outside
26 of the province for a period not exceeding thirty (30) days;

27
28 (xvi) Call upon any national official or employee stationed in or assigned
29 to the province to advise on matters affecting the province and to make
30 recommendations thereon; coordinate with the official or employee in
31 the formulation and implementation of plans, programs, and projects;
32 and when appropriate, initiate an administrative or judicial action against

1 a national government official or employee who may have committed an
2 offense in the performance of official duties while stationed in or
3 assigned to the province;

4
5 (xvii) Authorize payment for medical care, necessary transportation,
6 subsistence, hospital, or medical fees of provincial officials and
7 employees who are injured while in the performance of their official
8 duties and functions, subject to the availability of funds;

9
10 (xviii) Represent the province in inter-provincial or regional sports
11 councils or committees and coordinate the efforts of municipalities or
12 future component cities in the regional or national *palaro* or sports
13 development activities;

14
15 (xix) Conduct an annual *palarong panlalawigan*, which shall feature
16 traditional sports and disciplines included in national and international
17 games in coordination with the Department of Education (DepEd); and

18
19 (xx) Submit to the Office of the President the following reports: an
20 annual report containing a summary of all matters pertinent to the
21 management, administration and development of the province and all
22 information and data relative to its political, social and economic
23 conditions; and supplemental reports when unexpected events and
24 situations arise at any time during the year, particularly when man-made
25 or natural disasters or calamities affect the general welfare of the
26 province, the region or the country in general;

27
28 (2) Enforce all laws and ordinances relative to the governance of the province
29 and the exercise of the appropriate corporate powers provided under Section
30 22 of the Local Government Code of 1991, as amended; implement all approved
31 policies, programs, projects, services and activities of the province; and, in
32 addition to the foregoing shall:

1
2 (i) Ensure that the acts of the future component cities and municipalities
3 of the province and of its officials and employees are within the scope
4 of their prescribed powers, duties and functions;
5

6 (ii) Call conventions, conferences, seminars or meetings of elective and
7 appointive officials of the province and its future component cities and
8 municipalities, including national officials and employees stationed in or
9 assigned to the province, at such time and place and on such subject as
10 may be deemed important for the promotion of the general welfare of
11 the province and its inhabitants;
12

13 (iii) Issue such executive orders for the faithful and appropriate
14 enforcement and execution of laws and ordinances;
15

16 (iv) Be entitled to carry the necessary firearm within the territorial
17 jurisdiction of the province;
18

19 (v) In coordination with the mayors of future component cities and
20 municipalities and the National Police Commission, formulate the peace
21 and order plan of the province and upon its approval, implement the
22 same in accordance with Republic Act No. 6975, as amended, otherwise
23 known as the "Department of the Interior and Local Government Code
24 of 1990"; and
25

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

1 (3) Initiate and maximize the generation of resources and revenues, and apply
2 the same to the implementation of development plans, programs objectives
3 and priorities as provided under Section 18 of the Local Government Code of
4 1991, as amended, particularly those resources and revenues programmed for
5 agro-industrial development and countrywide growth and progress, relative
6 thereto, shall:

7
8 (i) Require each head of an office or department to prepare and submit
9 an estimate of appropriations for the ensuing calendar year, in
10 accordance with the budget preparation process under Title V, Book II
11 of the Local Government Code of 1991, as amended;

12
13 (ii) Prepare and submit to the *sangguniang panlalawigan* for approval
14 the executive and supplemental budgets of the province for the ensuing
15 calendar year in the manner provided under Title V, Book II of the Local
16 Government Code of 1991, as amended;

17
18 (iii) Ensure that all taxes and other revenues of the province are
19 collected, and provincial funds are applied to the payment of expenses,
20 and obligations of the province are settled, in accordance with law or
21 ordinance;

22
23 (iv) Issue licenses and permits and suspend or revoke the same for any
24 violation of the conditions upon which said licenses or permits had
25 issued, pursuant to law or ordinance;

26
27 (v) Adopt adequate measures to safeguard and conserve land, mineral,
28 marine, forest and other resources of the province, in coordination with
29 the mayors of future component cities or municipalities;

1 (vi) Provide efficient and effective property and supply management in
2 the province; and safeguard the funds, accounts receivables, rights and
3 other properties of the province; and
4

5 (vii) Institute or cause to be instituted administrative or judicial
6 proceedings for violations of ordinances in the collection of taxes, fees
7 or charges, and for the recovery of funds and property, and cause the
8 province to be defended against all suits to ensure that its interests,
9 resources and rights shall be adequately protected;
10

11 (4) Ensure the delivery of basic services and the provision of adequate facilities
12 as provided under Section 17 of the Local Government Code of 1991, as
13 amended and, in addition thereto, shall:
14

15 (i) Ensure that the construction and repair of roads and highways funded
16 by the national government shall be, as far as practicable, carried out in
17 a spatially contiguous manner and in coordination with the construction
18 and repair of the roads and bridges of the province and of its future
19 component cities and municipalities; and
20

21 (ii) Coordinate the implementation of technical services by national
22 offices for the province and its future component cities and
23 municipalities, including public works and infrastructure programs of the
24 provincial government and its future component cities and
25 municipalities; and
26

27 (5) Exercise such other powers and perform such other duties and functions as
28 may be prescribed by law or ordinance.
29

30 The provincial governor shall receive a minimum monthly compensation as
31 prescribed under Republic Act No. 6758, otherwise known as the "Compensation and

1 Position Classification Act of 1989", as amended, and the implementing guidelines
2 issued pursuant thereto.

3
4 Sec. 13. *The Provincial Vice Governor.* - (a) The provincial vice governor shall:

5
6 (1) Be the presiding officer of the *sangguniang panlalawigan* and sign all
7 warrants drawn on the provincial treasury for all expenditures appropriated for
8 the operation of the *sannguniang panlalawigan*;

9
10 (2) Subject to civil service law, rules and regulations, appoint all officials and
11 employees of the *sangguniang panlalawigan*, except those manner of
12 appointment is specifically provided for under existing laws;

13
14 (3) Assume the office of the provincial governor for the unexpired term of the
15 latter in the event of permanent vacancy as provided under Section 44, Book I
16 of the Local Government Code of 1991, as amended;

17
18 (4) Exercise the powers and perform the duties and functions of the provincial
19 governor in case of temporary vacancy as provided under Section 46, Book I
20 of the Local Government Code of 1991, as amended; and

21
22 (5) Exercise such other powers and perform such other duties and functions as
23 may be prescribed by law or ordinance.

24
25 (b) The provincial vice governor shall receive a monthly compensation as
26 prescribed under the Compensation and Position Classification Act of 1989, as
27 amended, and the implementing guidelines issued pursuant thereto.

1 **ARTICLE IV**
2 **THE SANGGUNIANG PANLALAWIGAN**
3

4 Sec. 14. *Composition.* - (a) The *sangguniang panlalawigan*, the legislative body
5 of the province, shall be composed of the provincial vice governor as the presiding
6 officer, the regular *sangguniang panlalawigan* members, the president of the
7 provincial chapter of the *liga ng mga barangay*, the president of the *panlalawigang*
8 *pederasyon ng mga sangguniang kabataan*, the president of the provincial federation
9 of *sanggunian* members of municipalities and future component cities, and the
10 sectoral representatives, as members.

11
12 (b) In addition thereto, there shall be three (3) sectoral representatives: one
13 (1) from the women's sector; one (1) from the agricultural or industrial worker sector;
14 and one (1) from other sectors, including the urban poor, indigenous cultural
15 communities, or persons with disability.

16
17 (c) The regular members of the *sangguniang panlalawigan* and the sectoral
18 representatives shall be elected in the manner provided by law, and shall receive a
19 monthly compensation as prescribed under the Compensation and Position
20 Classification Act of 1989, as amended, and the implementing guidelines issued
21 pursuant thereto.

22
23 Sec. 15. *Powers, Duties, Functions and Compensation.* - (a) The *sangguniang*
24 *panlalawigan*, as the legislative body of the province, shall enact ordinances, approve
25 resolutions and appropriate funds for the general welfare of the province and its
26 inhabitants pursuant to Section 16 of the Local Government Code of 1991, as
27 amended, and in the proper exercise of the corporate powers of the province as
28 provided under Section 22 of the Local Government Code of 1991, as amended, and
29 shall:

30
31 (1) Approve all ordinances and pass resolutions necessary for an efficient and
32 effective provincial government and, in this connection, shall:
33

1 (i) Review all ordinances approved by the *sanggunians* of future
2 component cities and municipalities and executive orders issued by the
3 mayors of said component units to determine whether these are within
4 the scope of the prescribed powers of the *sanggunian* and of the mayor;
5

6 (ii) Maintain peace and order by enacting measures to prevent and
7 suppress lawlessness, disorder, riot, violence, rebellion or sedition and
8 impose penalties for the violation of said ordinances;
9

10 (iii) Approve ordinances imposing a fine not exceeding Five thousand
11 pesos (P5,000.00) or an imprisonment not exceeding one (1) year, or
12 both, at the discretion of the court, for the violation of a provincial
13 ordinance;
14

15 (iv) Adopt measures to protect the inhabitants of the province from the
16 harmful effects of man-made or natural disasters and calamities, and
17 provide relief services and assistance to victims during and in the
18 aftermath of said disasters and calamities, and to facilitate their return
19 to productive livelihood following said events;
20

21 (v) Enact ordinances intended to prevent, suppress and impose
22 appropriate penalties for habitual drunkenness in public places,
23 vagrancy, mendicancy, prostitution, the establishment and maintenance
24 of houses of ill repute, gambling and other prohibited games of chance,
25 fraudulent devices and ways to obtain money or property, drug
26 addiction, maintenance of drug dens, drug pushing, juvenile
27 delinquency, the printing, distribution or exhibition of obscene or
28 pornographic materials or publication, and such other activities inimical
29 to the welfare and morals of the inhabitants of the province;
30

31 (vi) Protect the environment, and impose appropriate penalties for acts
32 which endanger the environment, such as dynamite fishing and other

1 forms of destructive fishing, illegal logging and smuggling of logs,
2 smuggling of natural resources products and of endangered species of
3 flora and fauna, slash-and-burn farming, irresponsible disposal of waste,
4 and such other activities which result in pollution, acceleration of
5 eutrophication of rivers and lakes, or of ecological imbalance;
6

7 (vii) Subject to the provisions of the Local Government Code of 1991, as
8 amended, and other pertinent laws, determine the powers and duties of
9 officials and employees of the province;
10

11 (viii) Determine the positions and salaries, wages, allowances and other
12 emoluments and benefits of officials and employees paid wholly or
13 mainly from provincial funds and provide for expenditures necessary for
14 the proper conduct of programs, projects, services and activities of the
15 provincial government;
16

17 (ix) Authorize the payment of compensation to a qualified person not in
18 the government service who fills in a temporary vacancy or grant
19 honorarium to any qualified official or employee designated to fill a
20 temporary vacancy in a concurrent capacity at the rate authorized by
21 law;
22

23 (x) Provide a mechanism and the appropriate funds therefor to ensure
24 the safety and protection of all provincial government property, public
25 documents or records such as those relating to property inventory, land
26 ownership, records of birth, marriages, deaths, assessments, taxation,
27 accounts, business permits, and such other records and documents of
28 public interest in the offices and departments of the provincial
29 government; and
30

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

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

3
4 (2) Generate and maximize the use of resources and revenues for the
5 development plans, programs, objectives and priorities of the province as
6 provided under Section 18 of the Local Government Code of 1991, as amended,
7 with particular attention to agro-industrial development and countrywide
8 growth and progress and, relative thereto, shall:

9
10 (i) Enact the annual and supplemental appropriations of the provincial
11 government and appropriate funds for specific programs, projects,
12 services and activities of the province, or for other purposes not contrary
13 to law, in order to promote the general welfare of the province and its
14 inhabitants;

15
16 (ii) Subject to the provisions of Book II of the Local Government Code
17 of 1991, as amended, applicable laws and, upon the majority vote of all
18 the members of the *sangguniang panlalawigan*, enact ordinance levying
19 taxes, fees and charges, prescribing the rates thereof for general and
20 specific purposes and granting tax exemptions, incentives or reliefs;

21
22 (iii) Subject to the provisions of Book II of the Local Government Code
23 of 1991, as amended, applicable laws and, upon the majority vote of all
24 the members of the *sangguniang panlalawigan*, authorize the provincial
25 governor to negotiate and contract loans and other forms of
26 indebtedness;

27
28 (iv) Subject to the provisions of Book II of the Local Government Code
29 of 1991, as amended, applicable laws and, upon the majority vote of all
30 the members of the *sangguninang panlalawigan*, enact ordinances
31 authorizing the floating of bonds or other instruments of indebtedness,
32 for the purpose of raising funds to finance development projects;

1 (v) Appropriate funds for the construction and maintenance or the rental
2 of buildings for the use of the province and, upon the majority vote of
3 all the members of the *sangguniang panlalawigan*, authorize the
4 provincial governor to lease to private parties such public buildings held
5 in a proprietary capacity, subject to existing laws, rules and regulations;
6

7 (vi) Prescribe reasonable limits and restraints on the use of property
8 within the jurisdiction of the province;
9

10 (vii) Review the comprehensive land use plans and zoning ordinances of
11 future component cities and municipalities and adopt a comprehensive
12 provincial land use plan, subject to existing laws; and
13

14 (viii) Adopt measures to enhance the full implementation of the national
15 agrarian reform program in coordination with the Department of
16 Agrarian Reform (DAR);
17

18 (3) Subject to the provision of Book II of the Local Government Code of 1991,
19 as amended, grant franchises, approve the issuance of permits or licenses, or
20 enact ordinance levying taxes, fees and charges upon such conditions and for
21 such purposes intended to promote the general welfare of the inhabitants of
22 the province and, pursuant to its legislative authority, shall:
23

24 (i) Fix and impose reasonable fees and charges for all services rendered
25 by the provincial government to private persons or entities; and
26

27 (ii) Regulate and fix the license fees for such activities as provided for
28 under the Local Government Code of 1991, as amended;
29

30 (4) Approve ordinances which shall ensure the efficient and effective delivery
31 of the basic services and facilities as provided under Section 17 of the Local

1 Government Code of 1991, as amended, and in addition to said services and
2 facilities, shall:

3
4 (i) Adopt measures and safeguards against pollution and for the
5 preservation of the natural ecosystem in the province, including the
6 proper collection and disposal of waste, in consonance with approved
7 standards on human settlements and environmental sanitation;

8
9 (ii) Subject to applicable laws, facilitate or provide for the establishment
10 and maintenance of a waterworks system or district waterworks for
11 supplying water to inhabitants of future component cities and
12 municipalities;

13
14 (iii) Subject to the availability of funds and to existing laws, rules and
15 regulations, provide for the establishment and operation of vocational
16 and technical schools and similar post-secondary institutions and, with
17 the approval of the DepEd and subject to existing laws on tuition fees,
18 fix reasonable tuition fees and other school charges in educational
19 institutions supported by the provincial government;

20
21 (iv) Establish a scholarship fund for the poor but deserving students in
22 schools located within its jurisdiction or of students residing within the
23 province;

24
25 (v) Approve measures and adopt quarantine regulations to prevent the
26 introduction and spread of diseases within its territorial jurisdiction;

27
28 (vi) Provide for the care of paupers, the aged, the sick, persons of
29 unsound mind, abandoned minors, abused children, disabled persons,
30 juvenile delinquents, drug dependents, and other needy and
31 disadvantaged persons, particularly children and youth below eighteen
32 (18) years of age; subject to the availability of funds, establish and

1 support the operation of centers and facilities for said needy and
2 disadvantaged persons; and facilitate the efforts to promote the welfare
3 of families below the poverty threshold, the disadvantaged and the
4 exploited;

5
6 (vii) Establish and provide for the maintenance and improvement of jails
7 and detention centers, institute a sound jail management program and
8 appropriate funds for the subsistence of detainees and convicted
9 prisoners in the province;

10
11 (viii) Establish a provincial council whose purpose is the promotion of
12 culture and the arts, coordinate with government agencies and
13 nongovernmental organizations and, subject to the availability of funds,
14 appropriate funds for the support and development of the same; and

15
16 (ix) Establish a provincial council for the elderly which shall formulate
17 policies and adopt measures mutually beneficial to the elderly and to the
18 province, subject to the availability of funds, appropriate funds to
19 support programs and projects for the elderly; and provide incentives
20 for nongovernmental agencies and entities that shall implement
21 programs and projects for the elderly; and

22
23 (5) Exercise such other powers and perform such other duties and functions as
24 provided for under the Local Government Code of 1991, as amended, and as
25 may be prescribed by law or ordinance.

26
27
28 **ARTICLE V**
29 **PROCESS OF LEGISLATION**
30
31

32 Sec. 16. *Internal Rules of Procedure.* - (a) On the first regular session following
33 the election of its members and within ninety (90) days thereafter, the *sangguniang*
34 *panlalawigan* shall adopt or update its existing rules of procedure.

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

2
3 (1) The organization of the *sanggunian* and the election of its officers as
4 well as the creation of standing committees which shall include, but may
5 not be limited to appropriations, women and family, human rights, youth
6 and sports development, environmental protection, peace and order,
7 and cooperatives; the general jurisdiction of each committee; and the
8 election of the chairman and members of each committee;

9
10 (2) The order and calendar of business for each session;

11
12 (3) The legislative process;

13
14 (4) The parliamentary procedures which include the conduct of members
15 during sessions;

16
17 (5) The discipline of members on account of disorderly behavior and
18 absences without justifiable cause for four (4) consecutive sessions for
19 which they may be censured, reprimanded or excluded from the session,
20 or suspended for not more than sixty (60) days, or expelled: *Provided,*
21 That the penalty of suspension or expulsion shall require the
22 concurrence of at least two-thirds (2/3) of all the *sanggunian* members:
23 *Provided, further,* That a member convicted by final judgment to
24 imprisonment of at least one (1) year for any crime involving moral
25 turpitude shall be automatically expelled from the *sanggunian*; and

26
27 (6) Such other rules of the *sanggunian* may adopt.

28
29 *Sec. 17. Full Disclosure of Financial and Business Interests of Sangguniang*
30 *Panlalawigan Members.* - (a) Every *sangguniang panlalawigan* member shall, upon
31 assumption to office, make a full disclosure of business and financial interests. The
32 member shall also disclose any business, financial, professional relationship or any

1 relation by affinity or consanguinity within the fourth civil degree, with any person,
2 firm or entity affected by any ordinance or resolution under consideration by the
3 *sanggunian* of which one is a member, which relationship may result in conflict of
4 interest. Such relationship shall include:

5
6 (1) Ownership of stocks or capital, or investment in the entity or firm to which
7 the ordinance or resolution may apply; and

8
9 (2) Contracts or agreement with any person or entity which ordinance or
10 resolution under consideration may affect.

11
12 In the absence of a specific constitutional or statutory provision applicable to
13 this situation, "conflict of interest" refers in general to a situation where it may be
14 reasonably deduced that a member of a *sangguniang panlalawigan* may not be able
15 to act in the public interest due to some private, pecuniary or other personal
16 considerations that tend to affect the member's judgment to the prejudice of the
17 service of the public.

18
19 (b) The above disclosure required under this Act shall be made in writing and
20 submitted to the secretary of the *sanggunian* or the secretary of the committee of
21 membership of the *sanggunian* member. The disclosure shall, in all cases, form part
22 of the record of the proceedings of the meetings and shall be made in the following
23 manner:

24
25 (1) Disclosure shall be made before the member participates in the
26 deliberations on the ordinance or resolution under consideration: *Provided,*
27 That if the member did not participate during the deliberations, the disclosure
28 shall be made before voting on the ordinance or resolution on second or third
29 readings; and

1 (2) Disclosure shall be made when a member takes a position or makes a
2 privilege speech on a matter that may affect the business interest, financial
3 connection or professional relationship described herein.
4

5 Sec. 18. *Sessions.* - (a) On the first day of session immediately following the
6 election of its members, the *sangguniang panlalawigan* shall, by resolution, fix the
7 day, time and place of its regular sessions. The minimum number of regular sessions
8 of the *sangguniang panlalawigan* shall be once a week.
9

10 (b) When the public interest demands, special sessions may be called by the
11 provincial governor or by a majority of the members of the *sanggunian*.
12

13 (c) All *sanggunian* sessions shall be open to the public unless a closed-door
14 session is ordered by an affirmative vote of a majority of the members present, there
15 being a quorum, in the public interest or for reasons of security, decency or morality.
16 No two (2) sessions, regular or special, may be held in a single day.
17

18 (d) In the case of special sessions of the *sanggunian*, a written notice to the
19 members shall be served personally at the members' usual place of residence at least
20 twenty-four (24) hours before the special session is held.
21

22 Unless otherwise concurred in by two-thirds (2/3) vote of the *sanggunian*
23 members present, there being a quorum no other matters may be considered at a
24 special session except those stated in the notice.
25

26 (e) The *sanggunian* shall keep a journal and a record of its proceedings which
27 may be published upon resolution of the *sangguniang panlalawigan*.
28

29 Sec. 19. *Quorum.* - (a) A majority of all the members of the *sanggunian* who
30 have been elected and qualified shall constitute a quorum to transact official business.
31 Should a question of quorum be raised during the session, the presiding officer shall

1 immediately proceed to call the roll of the members and thereafter announce the
2 results.

3
4 (b) Whether there is no quorum, the presiding officer may declare a recess
5 until such time a quorum is constituted, or a majority of the members present may
6 adjourn from day to day and may compel the immediate attendance of any member
7 absent without justifiable cause by designating a member of the *sanggunian*, to be
8 assisted by a member or members of the police force assigned in the territorial
9 jurisdiction of the province, to arrest the absent member and present the same at the
10 session.

11
12 (c) If there is still no quorum despite the enforcement of the immediately
13 preceding subsection, no business shall be transacted. The presiding officer, upon
14 proper motion duly approved by the members present, shall then declare the session
15 adjourned for lack of quorum.

16
17 Sec. 20. *Approval of Ordinances.* - (a) Every ordinance enacted by the
18 *sangguniang panlalawigan* shall be presented to the provincial governor. The
19 provincial governor shall sign each and every page of the ordinance to signify approval
20 of the same; otherwise, the provincial governor shall veto it and return the same,
21 stating therein the reasons for such objection. Thereafter, the *sanggunian* may
22 override the veto of the provincial governor by two-thirds (2/3) vote of all its members,
23 thereby making the ordinance or resolution effective for all legal intents and purposes.

24
25 (b) The veto shall be communicated by the provincial governors to the
26 *sangguniang panlalawigan* within fifteen (15) days from receipt of the ordinance;
27 otherwise, the ordinance shall be deemed approved as if the provincial governor had
28 signed it.

29
30 Sec. 21. *Veto Power of the Provincial Governor.* - (a) The provincial governor
31 may veto any ordinance of the *sangguniang panlalawigan* on the ground that it is

1 prejudicial to the public welfare, and return the same, stating therein the reasons for
2 the disapproval.

3
4 (b) The provincial governor shall have the power to veto particular item or items
5 of an appropriation ordinance, an ordinance or resolution adopting a local
6 development plan and public investment program or an ordinance directing the
7 payment of money or creating liability. In such case, the veto shall not affect the item
8 or items which are not objected to. The vetoed item or items shall not take effect
9 unless the *sangguniang panlalawigan* overrides the veto in the manner herein
10 provided; otherwise, the item or items in the appropriations ordinance of the previous
11 year corresponding to those vetoed, if any, shall be deemed reenacted.

12
13 (c) The provincial governor may veto an ordinance or resolution only once. The
14 *sanggunian* override the veto of the provincial governor by two-thirds (2/3) vote of all
15 its members, thereby making the ordinance effective even without the approval of the
16 provincial governor.

17
18 **ARTICLE VI**
19
20 **SUCCESSION FOR ELECTIVE PROVINCIAL OFFICIALS**
21

22 Sec. 22. *Permanent Vacancy in the Office of the Provincial Governor.* - (a) If a
23 permanent vacancy occurs in the office of the provincial governor, the provincial vice
24 governor shall become the provincial governor or, in case of permanent inability, the
25 highest ranking *sanggunian* member shall become the provincial governor. If a
26 permanent vacancy occurs in the office of the provincial vice governor, the highest
27 ranking *sangguniang panlalawigan* member shall become the provincial vice governor
28 or, in case of permanent inability, the highest ranking *sangguniang panlalawigan*
29 member shall become the provincial vice governor. Subsequent vacancies shall be
30 filled automatically by the *sanggunian* members according to their ranking as defined
31 herein:

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

5
6 (2) A tie between or among the highest ranking *sangguniang panlalawigan*
7 members shall be resolved by drawing of lots;

8
9 (3) The successors as defined herein shall serve only the unexpired terms of
10 the predecessors; and

11
12 (4) For purposes of succession as provided for in this Act, ranking in the
13 *sangguniang panlalawigan* shall be determined on the basis of the proportion
14 of votes obtained by each winning candidate to the total number of registered
15 voters in the province in the immediately preceding local elections.

16
17 Sec. 23. *Permanent Vacancies in the Sangguniang Panlalawigan.* - (a)
18 Permanent vacancies in the *sangguniang panlalawigan* where automatic succession
19 as provided for in this Act does not apply shall be filled by appointment by the
20 President, through the Executive Secretary.

21
22 (b) Only the nominee of the political party under which the *sanggunian* member
23 concerned had been elected and whose elevation to the position next higher in rank
24 created the last vacancy in the *sanggunian* shall be appointed in the manner herein
25 provided. The appointee shall come from the same political party as that of the
26 *sanggunian* member who caused the vacancy and shall serve the unexpired term of
27 the vacant office.

28
29 In the appointment herein mentioned, a nomination and a certificate of
30 membership of the appointee from the highest official of the political party concerned
31 are conditions *sine qua non*, and any appointment without such nomination and

1 certification shall be null and void *ab initio* and shall be a ground for administrative
2 action against the official responsible therefor.

3
4 (c) In case the permanent vacancy is caused by a *sanggunian* member who
5 does not belong to any political party, the provincial governor shall, upon
6 recommendation of the *sangguniang panlalawigan*, appoint a qualified person to fill in
7 the vacancy.

8
9 (d) In case of vacancy in the representation of the *sangguniang kabataan*, the
10 *sangguniang barangay* and the provincial league of councilors in the *sangguniang*
11 *panlalawigan*, said vacancy shall be filled in automatically by the next-in-rank official
12 of the organization concerned.

13
14 **Sec. 24. Temporary Vacancy in the Office of the Provincial Governor.** - (a) When
15 the provincial governor is temporarily incapacitated to perform the duties for physical
16 or legal reasons such as leave of absence, travel abroad and suspension from office,
17 the provincial vice governor shall automatically exercise the powers and perform the
18 duties and functions of the provincial governor, except the power to appoint, suspend
19 or dismiss employees which can only be exercised if the period of temporary incapacity
20 exceeds thirty (30) working days.

21
22 (b) Said temporary incapacity shall terminate upon submission to the
23 *sangguniang panlalawigan* of a written declaration by the provincial governor of
24 having reported back to office, In case where the temporary incapacity is due to legal
25 cause, the provincial governor shall also submit the necessary documents showing
26 that the legal cause no longer exists.

27
28 (c) When the provincial governor is traveling within the country but outside the
29 territorial jurisdiction for a period not exceeding three (3) consecutive days, the same
30 may designate in writing the officer-in-charge of the office. Such authorization shall
31 specify the powers and functions that the local officials concerned shall exercise in the

1 absence of the provincial governor, except the power to appoint, suspend or dismiss
2 employees.

3
4 (d) In the event, however, that the provincial governor fails or refuses to issue
5 such authorization, the provincial vice governor shall have the right to assume the
6 powers, duties and functions of the said office on the fourth (4th) day of absence of
7 the provincial governor, subject to the limitations provided for in subsection (c) hereof.

8
9 (e) Except as provided for in subsection (c) hereof, the provincial governor
10 shall, in no case, authorize any local officials to assume the powers, duties and
11 functions of the office other than the provincial vice governor.

12
13
14 **ARTICLE VII**
15 **APPOINTIVE PROVINCIAL OFFICIALS:**
16 **THEIR QUALIFICATIONS, POWERS AND DUTIES**
17

18 *Sec. 25. The Secretary to the Sangguniang Panlalawigan.* - (a) There shall be
19 a secretary to the *sangguniang panlalawigan* who shall be a career official with the
20 rank and salary equal to a head of a department or office.

21
22 (b) The secretary to the *sanggunian* must be a citizen of the Philippines, a
23 resident of the province, of good moral character, a holder of a college degree
24 preferably in law, commerce or public administration from a recognized college or
25 university, and a first grade civil service eligible or its equivalent.

26
27 The appointment of the secretary to the *sanggunian* is mandatory.

28
29 (c) The secretary to the *sanggunian* shall take charge of the office of the
30 *sangguniang panlalawigan*, and pursuant thereto, perform the following:

31
32 (1) Attend meetings of the *sanggunian* and keep a journal of its proceedings;

1 (2) Keep the seal of the province and affix the same on all ordinances,
2 resolutions and other official papers of the *sanggunian*, duly signing them
3 before presenting the same to the presiding officer for the latter's signature;
4

5 (3) Forward to the provincial governor, for approval, copies of ordinances
6 enacted by the *sanggunian* and duly certified by the presiding officer, in the
7 manner provided under Section 54 of the Local Government Code of 1991, as
8 amended;
9

10 (4) Forward to the *sangguniang bayan* or *sangguniang panlungsod*, as the case
11 may be, copies of duly approved ordinances in the manner provided under
12 Sections 56 and 57 of the Local Government Code of 1991, as amended;
13

14 (5) Furnish, upon the request of any interested party, certified copies of records
15 of public character in the secretary's custody, upon payment to the treasurer
16 of such fees as may be prescribed by ordinance;
17

18 (6) Record in a book kept for the purpose, all ordinances and resolutions
19 enacted or adopted by the *sanggunian*, with the dates of passage and
20 publication thereof;
21

22 (7) Keep the office and all nonconfidential records therein open to the public
23 during usual business hours;
24

25 (8) Translate into the dialect used by the majority of the inhabitants, all
26 ordinances and resolutions immediately after their approval, and cause the
27 publication of the same together with the original version in the manner
28 provided under the Local Government Code of 1991, as amended;
29

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

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

3
4 Sec. 26. *The Provincial Treasurer.* - (a) The provincial treasurer shall be
5 appointed by the Secretary of Finance from a list of at least three (3) ranking eligible
6 recommendees of the provincial governor, subject to civil service law, rules and
7 regulations.

8
9 The appointment of the provincial treasurer is mandatory.

10
11 (b) The provincial treasurer must be a citizen of the Philippines, a resident of
12 the province, of good moral character, a holder of a college degree preferably in
13 commerce, public administration or law from a recognized college or university, a first
14 grade civil service eligible or its equivalent and must have acquired at least five (5)
15 years experience in treasury or accounting service.

16
17 (c) The provincial treasurer shall be under the administrative supervision of the
18 provincial governor and shall regularly report to the provincial governor on the tax
19 collection efforts in the province.

20
21 (d) The provincial treasurer shall take charge of the treasury office, and perform
22 the duties as provided under Book II of the Local Government Code of 1991, as
23 amended, and shall:

24
25 (1) Advise the provincial governor or the *sanggunian*, as the case may be. and
26 other local government and national officials concerned regarding disposition
27 of local government funds and on such other matters relative to public finance;

28
29 (2) Take custody of and exercise proper management of the funds of the local
30 government unit concerned;

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

4

5 (4) Inspect private commercial and industrial establishments within the
6 jurisdiction of the province in relation to the implementation of tax ordinances,
7 pursuant to the provisions under Book II of the Local Government Code of
8 1991, as amended;

9

10 (5) Maintain and update the tax information system of the local government
11 unit;

12

13 (6) Exercise technical supervision over all treasury offices of component cities
14 and municipalities; and

15

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

18

19 *Sec. 27. The Provincial Assessor.* - (a) The provincial assessor must be a citizen
20 of the Philippines, a resident of the province, of good moral character, a holder of a
21 college degree preferably in civil or mechanical engineering, commerce or any other
22 related course from a recognized college or university, a duly registered and licensed
23 real estate service practitioner as provided under Section 30 of Republic Act No. 9646,
24 otherwise known as the "Real Estate Service Act of the Philippines", a first grade civil
25 service eligible or its equivalent and must have acquired at least five (5) years of
26 experience in real property assessment work or in any related field.

27

28 The appointment of the provincial assessor is mandatory.

29

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

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- (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 properties 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 for the different classes of real properties in accordance with Title II, 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*;

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(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 city or municipal assessor; and

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

Sec. 28. *The Provincial Accountant.* - (a) The provincial accountant must be a citizen of the Philippines, a resident of the province, of good moral character, a certified public accountant and must have acquired at least five (5) years experience in the treasury or accounting service.

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;

- 1 (4) Certify to the availability of budgetary allotment from which expenditures
2 and obligations may be properly charged;
3
- 4 (5) Review supporting documents before the preparation of vouchers to
5 determine completeness of requirements;
6
- 7 (6) Prepare statements of cash advances, liquidations, salaries, allowances,
8 reimbursements and remittances pertaining to the provincial government;
9
- 10 (7) Prepare statements of journal vouchers and liquidations of the same and
11 other adjustments related thereto;
12
- 13 (8) Post individual disbursements to subsidiary ledgers and index cards;
14
- 15 (9) Maintain individual ledgers for officials and employees of the provincial
16 government pertaining to payrolls and deductions;
17
- 18 (10) Record and post in index cards details of purchased furniture, fixtures and
19 equipment, including disposal thereof, if any;
20
- 21 (11) Account for all issued requests for obligations and maintain and keep all
22 records and reports related thereto;
23
- 24 (12) Prepare journals and the analysis of obligations and maintain and keep all
25 records and reports related thereto; and
26
- 27 (13) Exercise such other powers and perform other duties and functions as may
28 be provided by law or ordinance.
29

30 Sec. 29. *The Provincial Budget Officer.* - (a) The provincial budget officer must
31 be a citizen of the Philippines, a resident of the province, of good moral character, a
32 holder of a college degree preferably in accounting, economics, public administration

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

4
5 The appointment of the provincial budget officer is mandatory.

6
7 (b) The provincial budget officer shall take charge of the budget office, and
8 pursuant thereto, perform the following:

9
10 (1) Prepare forms, orders and circulars embodying instructions on budgetary
11 and appropriation matters for the signature of the provincial governor;

12
13 (2) Review and consolidate the budget proposals of different departments and
14 offices of the province;

15
16 (3) Assist the provincial governor in the preparation of the budget and during
17 the budget hearings;

18
19 (4) Study and evaluate budgetary implications of proposed legislation and
20 submit comments and recommendations thereon;

21
22 (5) Submit periodic budgetary reports to the Department of Budget and
23 Management (DBM);

24
25 (6) Coordinate with the provincial treasurer, the provincial accountant and the
26 provincial planning and development coordinator for the purpose of budgeting;

27
28 (7) Assist the *sangguniang panlalawigan* in reviewing the approved budgets of
29 the component cities and municipalities;

30
31 (8) Coordinate with the provincial planning and development coordinator in the
32 formulation of the provincial development plan; and

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

3
4 (c) The appropriations for personal services of the provincial budget officer
5 provided under the DBM shall, upon the effectivity of this Charter, be transferred to
6 the new province. Thereafter, the appropriations for personal services of the budget
7 officer shall be provided in full in the budget of the local government unit,

8
9 Sec. 30. The Provincial Planning and Development Coordinator.- (a) The
10 provincial planning and development coordinator must be a citizen of the Philippines,
11 a resident of the province, of good moral character, a holder of a degree preferably in
12 urban planning, development studies, economics, public administration, or any related
13 course from a recognized college or university, a duly registered and licensed
14 environmental planner, as provided under Section 34 of Republic Act No. 10587, or
15 the "Environmental Planning Act of 2013," a first grade civil service eligible or its
16 equivalent, and must have acquired at least five (5) years experience in development
17 planning or in any related field.

18
19 The appointment of a provincial planning and development coordinator is
20 mandatory.

21
22 (b) The provincial planning and development coordinator shall take charge of
23 the planning and development office, and pursuant thereto, perform the following:

24
25 (1) Formulate integrated economic, social, physical and other development
26 plans and policies for consideration of the local government development
27 council;

28
29 (2) Conduct continuing studies, researches and training programs necessary to
30 evolve plans and programs for implementation;

1 (3) Integrate and coordinate all sectoral plans and studies undertaken by the
2 different functional groups and agencies;

3

4 (4) Monitor and evaluate the implementation of the different development
5 programs, projects and activities in the province in accordance with the
6 approved development plan;

7

8 (5) Prepare comprehensive plans and other development planning documents
9 for the consideration of the provincial development council;

10

11 (6) Analyze the income and expenditure patterns, and formulate and
12 recommend fiscal plans and policies for the consideration of the finance
13 committee of the province as provided under Title V, Book II of the Local
14 Government Code of 1991, as amended;

15

16 (7) Promote people's participation in development planning within the province;

17

18 (8) Exercise supervision and control over the secretariat of the provincial
19 development council; and

20

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

23

24 Sec. 31. *The Provincial Engineer.* - (a) The provincial engineer must be a citizen
25 of the Philippines, a resident of the province, of good moral character, a licensed civil
26 engineer and must have acquired at least five (5) years experience in the practice of
27 the civil engineering profession.

28

29 The appointment of the provincial engineer is mandatory.

30

31 (b) The provincial engineer shall take charge of the engineering office, and
32 pursuant thereto, perform the following:

- 1 (1) Initiate, review and recommend changes in policies and objectives, plans
2 and programs, techniques, procedures and practices in infrastructure
3 development and public works in general, of the province;
4
5 (2) Advise the provincial governor on infrastructure, public works and other
6 engineering matters;
7
8 (3) Administer, coordinate, supervise and control the construction,
9 maintenance, improvement and repair of roads, bridges and other engineering
10 and public works projects of the province;
11
12 (4) Provide engineering services to the province, including investigations and
13 surveys, engineering designs, feasibility studies and project management;
14
15 (5) Exercise technical supervision over all engineering offices of the component
16 cities and municipalities; and
17
18 (6) Exercise such other powers and perform other duties and functions as may
19 be prescribed by law or ordinance.
20

21 *Sec. 32. The Provincial Health Officer.* - (a) The provincial health officer must
22 be a citizen of the Philippines, a resident of the province, of good moral character, a
23 licensed medical practitioner and must have acquired at least five (5) years experience
24 in the practice of the medical profession.
25

26 The appointment of a provincial health officer is mandatory,
27

28 (b) The provincial health officer shall perform the following duties and
29 functions:
30

- 31 (1) Formulate and implement policies, plans, programs and projects to promote
32 the health of the people of the province;

- 1 (2) Advise the provincial governor and the *sanggunian* on matters pertaining to
2 health;
3
- 4 (3) Execute and enforce all laws, ordinances and regulations relating to public
5 health;
6
- 7 (4) Recommend to the *sanggunian*, through the provincial health board, the
8 passage of such ordinances as he or she may deem necessary for the
9 preservation of public health;
10
- 11 (5) Recommend the prosecution of any violation of sanitary laws, ordinances
12 and regulations;
13
- 14 (6) Direct the sanitary inspection of all business establishments selling food
15 items or providing accommodations, such as hotels, motels, lodging houses,
16 pension houses and the like, in accordance with the Sanitation Code of the
17 Philippines;
18
- 19 (7) Conduct health information campaigns and render health intelligence
20 services;
21
- 22 (8) Coordinate with other government agencies and nongovernmental
23 organizations involved in the promotion and delivery of health services;
24
- 25 (9) Exercise general supervision over health offices of the component cities and
26 municipalities;
27
- 28 (10) Be in the frontline of the delivery of health services, particularly during and
29 in the aftermath of man-made and natural disasters or calamities;
30
- 31 (11) The provincial health officer shall take charge of the office on health
32 services, and shall:

1 (i) Supervise the personnel and staff of the said office, formulate
2 program implementation guidelines and rules and regulations for the
3 operation of the said office for the approval of the provincial governor in
4 order to assist the latter in the efficient, effective and economical
5 implementation of health services and programs geared to the
6 implementation of health-related projects and activities;

7
8 (ii) Formulate measures for the consideration of the *sanggunian* and
9 provide technical assistance and support to the provincial governor in
10 carrying out the activities of adequate facilities relative to health services
11 as provided under Section 17 of the Local Government Code of 1991, as
12 amended; and

13
14 (iii) Develop plans and strategies and, upon approval thereof by the
15 provincial governor, implement the same, particularly those which have
16 to do with health programs and projects which the provincial governor
17 is empowered to implement and which the *sanggunian* is empowered to
18 provide under the Local Government Code of 1991, as amended; and

19
20 (12) Exercise such other powers and perform other duties and functions as may
21 be prescribed by law or ordinance.

22
23 Sec. 33. *The Provincial Administrator.* - (a) The provincial administrator must
24 be a citizen of the Philippines, a resident of the province, of good moral character, a
25 holder of a college degree preferably in public administration, law or any related
26 course from a recognized college or university, a first grade civil service eligible or its
27 equivalent and must have acquired at least five (50 years experience in management
28 and administration work.

29
30 The term of the provincial administrator is coterminous with that of the
31 appointing authority.

1 The appointment of the provincial administrator is mandatory.

2

3 (b) The provincial administrator shall charge of the office of the administrator,
4 and pursuant thereto, perform the following:

5

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

11

12 (2) Assist in the coordination of work of all officials of the province under the
13 supervision, direction and control of the provincial governor and, for this
14 purpose, may convene the chiefs of offices and other officials of the province;

15

16 (3) Establish and maintain a sound personnel program for the province
17 designed to promote career development and uphold the merit systems in the
18 province;

19

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

22

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

26

27 (6) Recommend to the *sanggunian* and advise the provincial governor on all
28 other matters relative to the management and administration of the province;
29 and

30

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

1 Sec. 34. *The Provincial Legal Officer.* - (a) The provincial legal officer must be
2 a citizen of the Philippines, a resident of the province, of good moral character, a
3 member of the Philippine Bar and must have practiced for at least five (5) years the
4 law profession.

5
6 The term of the provincial legal officer shall be coterminous with that of the
7 appointing authority.

8
9 The appointment of the provincial legal officer is mandatory.

10
11 (b) The provincial legal officer, as the chief legal counsel of the province, shall
12 take charge of the office of the legal services, and pursuant thereto, perform the
13 following:

14
15 (1) Formulate measures for the consideration of the *sanggunian* and provide
16 legal assistance and support to the provincial governor in carrying out the
17 delivery of basic services and the provision of adequate facilities as provided
18 under Section 17 of the Local Government Code of 1991, as amended;

19
20 (2) Develop plans and strategies and, upon approval thereof by the provincial
21 governor, implement the same, particularly those which have to do with the
22 programs and projects related to legal services which the provincial governor
23 is empowered to implement and which the *sanggunian* is empowered to provide
24 under the Local Government Code of 1991, as amended;

25
26 (3) Represent the province in all civil actions and special proceedings wherein
27 the province or any official thereof, in their official capacity, is a party: *Provided,*
28 That actions or proceedings where a component city or municipality is a party
29 adverse to the provincial government or to another component city or
30 municipality, a special legal officer may be employed to represent the adverse
31 party;

- 1 (4) When required by the provincial governor or the *sanggunian*, draft
2 ordinances, contracts, bonds, leases and other instruments, involving any
3 interest of the province and provide comments and recommendations on any
4 instrument already drawn;
5
- 6 (5) Render an opinion in writing on any question of law when requested to do
7 so by the provincial governor or the *sanggunian*;
8
- 9 (6) Investigate or cause to be investigate any provincial official or employee for
10 administrative neglect or misconduct in office and recommend appropriate
11 action to the provincial governor or the *sangguniang panlalawigan*;
12
- 13 (7) Investigate or cause to be investigated any person, firm, or corporation
14 holding any franchise or exercising any public privilege for failure to comply
15 with any term or condition in the grant of such franchise or privilege, and
16 recommend appropriate action to the provincial governor or the *sanggunian*;
17
- 18 (8) When directed by the provincial governor or the *sanggunian*, initiate and
19 prosecute, in the interest of the province, any civil action on any bond, lease
20 or other contract upon any breach or violation thereof;
21
- 22 (9) Review and submit recommendations on ordinances approved and
23 executive orders issued by the component cities and municipalities;
24
- 25 (10) Recommend measures to the *sangguniang panlalawigan* and advise the
26 provincial governor on all other matters related to upholding the rule of law;
27
- 28 (11) Be in the frontline of protecting human rights and prosecuting any
29 violation, thereof, particularly those which occur during and in the aftermath of
30 man-made or natural disasters and calamities; and
31

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

3

4 Sec. 35. *The Provincial Agriculturist.* - (a) The provincial agriculturist must be a
5 citizen of the Philippines, a resident of the province, of good moral character, a holder
6 of a college degree in agriculture or in any related course from a recognized college
7 or university, a first grade civil service eligible or its equivalent and must have practiced
8 for at least five (5) years the agriculturist profession or acquired experience in the
9 related field.

10

11 The appointment of the provincial agriculturist is mandatory.

12

13 (b) The provincial agriculturist shall:

14

15 (1) Take charge of the office of agricultural services, and pursuant thereto,
16 perform the following:

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

23

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

30

- 1 (2) Ensure that maximum assistance and access to resources in the production,
2 processing and marketing of agricultural and aquacultural and marine products
3 are extended to farmers, fishermen and local entrepreneurs;
4
- 5 (3) Conduct or cause to be conducted location-specific agricultural researches
6 and assist in making available the appropriate technology arising out of and
7 disseminating information on basic research on crops. preventive control of
8 plant diseases and pests, and other agricultural matters which will maximize
9 productivity;
10
- 11 (4) Assist the provincial governor in the establishment and extension services
12 of demonstration farms on aquaculture and marine products;
13
- 14 (5) Enforce rules and regulations relating to agriculture and aquaculture;
15
- 16 (6) Coordinate with government agencies and nongovernmental organizations
17 which promote agricultural productivity through appropriate technology
18 compatible with environmental integrity;
19
- 20 (7) Be in the frontline of the delivery of basic agricultural services, particularly
21 those needed for the survival of the inhabitants during and in the aftermath of
22 man-made and natural disasters or calamities;
23
- 24 (8) Recommend to the *sanggunian* and advise the provincial governor on all
25 matters related to agriculture and aquaculture which will improve the livelihood
26 and living conditions of the inhabitants; and
27
- 28 (9) Exercise such other powers and perform other duties and functions as may
29 be prescribed by law or ordinance.
30

31 Sec. 36. *The Provincial Social Welfare and Development Officer.* - (a) The
32 provincial social welfare and development officer must a citizen of the Philippines, a

1 resident of the province, of good moral character, a duly licensed social worker, or a
2 holder of a college degree preferably in sociology or in any related course from a
3 recognized college or university, a first-grade civil service eligible or its equivalent and
4 must have acquired experience for at least five (5) years in the practice of social work.
5

6 The appointment of a provincial social welfare and development officer is
7 mandatory.
8

9 (b) The provincial social welfare and development officer take charge of the
10 office for social welfare and development services, and shall perform the following
11 functions:
12

13 (1) Formulate measures for the approval of the *sanggunian* and provide
14 technical assistance and support to the provincial governor in carrying out
15 measures to ensure the delivery of basic services and the provision of adequate
16 facilities relative to social welfare and development services as provided under
17 Section 17 of the Local Government Code of 1991, as amended;
18

19 (2) Develop plan and strategies and, upon approval thereof by the provincial
20 governor, implement the same, particularly those which have to do with the
21 social welfare programs and projects which the provincial governor is
22 empowered to implement and which the *sanggunian* is empowered to provide
23 under the Local Government Code of 1991, as amended;
24

25 (3) Identify the basic needs of the needy, the disadvantaged and the
26 impoverished and develop and implement appropriate measures to alleviate
27 their problems and improve their living conditions;
28

29 (4) Provide relief and appropriate crisis intervention for victims of abuse and
30 exploitation and recommend appropriate measures to defer further abuse and
31 exploitation;
32

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

3
4 (6) Facilitate the implementation of welfare programs for the disabled, the
5 elderly and victims of drug addiction of juvenile delinquency and such other
6 activities which would eliminate or minimize the ill effects of poverty;

7
8 (7) Initiate and support welfare programs that will enhance the role of the
9 youth in nation-building;

10
11 (8) Coordinate with government agencies and nongovernmental organizations
12 which have for the purpose the promotion and protection of all the needy,
13 disadvantaged, underprivileged or impoverished groups or individuals,
14 particularly those identified to be vulnerable and high-risk to exploitation, abuse
15 and neglect;

16
17 (9) Be in the frontline of service delivery, particularly those which have to do
18 with the immediate relief and assistance during and in the aftermath of man-
19 made and natural disasters or calamities;

20
21 (10) Recommend to the *sanggunian* and advise the provincial governor on all
22 other matters related to social welfare and development service which will
23 improve the livelihood and living conditions of the inhabitants; and

24
25 (11) Exercise such other powers and perform other duties and functions as may
26 be prescribed by law or ordinance.

27
28 Sec. 37. *The Provincial Veterinarian.* - (a) The provincial veterinarian must be
29 a citizen of the Philippines, a resident of the province, of good moral character, a
30 licensed doctor of veterinary medicine and must have practiced for at least three (3)
31 years in the veterinary profession.
32

1 The appointment of a provincial veterinarian is mandatory.

2

3 (b) The provincial veterinarian shall perform the following duties and functions:

4

5 (1) Take charge of the office of the veterinary services, and pursuant thereto,

6

7 (2) Formulate measures for the consideration of the *sanggunian* and provide
8 technical assistance and support to the provincial governor in carrying out
9 measures to ensure the delivery of basic services and the provision of adequate
10 facilities pursuant to Section 17 of the Local Government Code of 1991, as
11 amended;

12

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

18

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

21

22 (5) Regulate the keeping of domestic animals;

23

24 (6) Regulate and inspect poultry, milk and dairy products for public
25 consumption;

26

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

28

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

31

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

6
7 (10) Recommend to the *sanggunian* and advise the provincial governor on all
8 other matters relative to veterinary service which will increase the number and
9 improve the quality of livestock, poultry and other domestic animals used for
10 work or for human consumption; and

11
12 (11) Exercise such other powers and perform other duties and functions as may
13 be prescribed by law or ordinance.

14
15 Sec. 38. *The Provincial General Services Officer.* - (a) The provincial general
16 services officer must be a citizen of the Philippines, a resident of the province, of good
17 moral character, a holder of a college degree in public administration, business
18 administration or management from a recognized college or university, a first grade
19 civil service eligible or its equivalent and must have acquired at least five (5) years
20 experience in general services, including the management of supply, property, solid
21 waste disposal and general sanitation.

22
23 The appointment of a provincial general services officer is mandatory.

24
25 (b) The provincial general services officer shall perform the following duties and
26 functions:

27
28 (1) Take charge of the office of general services, and pursuant thereto, perform
29 the following:

30
31 (i) Formulate measures for the consideration of the *sanggunian* and
32 provide technical assistance and support to the provincial governor in

1 carrying out measures to ensure the delivery of basic services and the
2 provision of adequate facilities pursuant to Section 17 of the Local
3 Government Code of 1991, as amended, and which require general
4 services expertise and technical support services; and
5

6 (ii) Develop plans and strategies and, upon approval thereof by the
7 provincial governor, implement the same, particularly those which have
8 to do with the general services supportive to the welfare of the
9 inhabitants which the provincial governor is empowered to implement
10 and which the *sanggunian* is empowered to provide under the Local
11 Government Code of 1991, as amended;
12

13 (2) Take custody of and be accountable for all properties, real or personal,
14 owned by the provincial government and those granted to it in the form of
15 donation, reparation, assistance and the counterpart of joint projects;
16

17 (3) With the approval of the provincial governor, assign building or land space
18 to provincial officials or other public officials who, by law, are entitled to such
19 space;
20

21 (4) Recommend to the provincial governor, the reasonable rental rates for local
22 government properties, whether real or personal, which will be leased to public
23 or private entities by the provincial government;
24

25 (5) Recommend to the provincial governor, the reasonable rental rates of
26 private properties which may be leased for the official use of the provincial
27 government;
28

29 (6) Maintain and supervise janitorial, security, landscaping, and other related
30 services on all local government public buildings and other real property,
31 whether owned or leased by the provincial government;
32

- 1 (7) Collate and disseminate information regarding prices, shipping and other
2 costs of supplies and other items commonly used by the provincial government;
3
4 (8) Perform archival and record management with respect to records of offices
5 and departments of the province;
6
7 (9) Perform all other functions pertaining to supply and property management
8 heretofore performed by the local government treasurer and to enforce policies
9 on records creation, maintenance and disposal;
10
11 (10) Be in the frontline of general services-related activities, such as the
12 possible or imminent destruction or damage to records, supplies, properties
13 and structures and the orderly and sanitary clearing up of waste materials or
14 debris, particularly during and in the aftermath of man-made and natural
15 disasters or calamities;
16
17 (11) Recommend to the *sanggunian* and advise the provincial governor on all
18 matters relative to the general services; and
19
20 (12) Exercise such other powers and perform other duties and functions as may
21 be prescribed by law or ordinance.
22

23 Sec. 39. *The Provincial Architect.* - (a) The provincial architect must be a citizen
24 of the Philippines, a resident of the province, of good moral character, a duly licensed
25 architect and must have practiced the architectural profession for at least five (5)
26 years.
27

28 The appointment of a provincial architect is optional.
29

30 (b) The provincial architect shall perform the following duties and functions:
31

1 (1) Take charge of the office for architectural planning and design, and
2 pursuant thereto, perform the following:

3
4 (i) Formulate measures for the consideration of the *sanggunian* and
5 provide technical assistance and support to the provincial governor in
6 carrying out measures to ensure the delivery of basic services and the
7 provision of adequate facilities relative to architectural planning and
8 design as provided under Section 17 of the Local Government Code of
9 1991, as amended; and

10
11 (ii) Develop plans and strategies and, upon approval thereof by the
12 provincial governor, implement the same, particularly those which have
13 to do with architectural planning and design programs and projects
14 which the provincial governor is empowered to implement and which the
15 *sanggunian* is empowered to provide under the Local Government Code
16 of 1991, as amended.

17
18 (2) Prepare and recommend for consideration of the *sanggunian* the
19 architectural plan and design for the province or a part thereof, including the
20 renewal of slums and lighted areas, land reclamation activities, the greening of
21 land and the appropriate planning of marine and foreshore areas;

22
23 (3) Review and recommend for appropriate action of the *sanggunian* and the
24 provincial governor, the architectural plan and design submitted by
25 governmental and nongovernmental entities or individuals, particularly those
26 for undeveloped, underdeveloped and poorly-designed areas;

27
28 (4) Coordinate with government agencies and nongovernmental entities and
29 individuals involved in the aesthetics and the maximum utilization of the land
30 and water within the jurisdiction of the province, compatible with environmental
31 integrity and ecological balance;

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

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

9
10 (7) Exercise such other powers and perform other duties and functions as may
11 be prescribed by law or ordinance.

12
13 **Sec. 40. *The Provincial Population Officer.*** - (a) The provincial population officer
14 must be a citizen of the Philippines, a resident of the province, of good moral
15 character, a holder of a college degree with specialized training in population
16 development from a recognized college or university, a first grade civil service eligible
17 or its equivalent and must have acquired at least five (5) years experience in the
18 implementation of programs on population development or responsible parenthood.

19
20 The appointment of a provincial population officer is optional.

21
22 (b) The provincial population officer shall perform the following duties and
23 functions:

24
25 (1) Take charge of the office for population development and pursuant
26 thereto, perform the following:

27
28 (i) Formulate measures for the consideration of the *sanggunian* and
29 provide technical assistance and support to the provincial governor in
30 carrying out measures to ensure the delivery of basic services and the
31 provision of adequate facilities relative to the integration of the

1 population development principles and in providing access to said
2 services and facilities; and

3
4 (ii) Develop plans and strategies and, upon approval thereof by the
5 provincial governor, implement the same, particularly those which have
6 to do with the integration of population development principles and
7 methods in programs and projects which the provincial governor is
8 empowered to implement and which the *sanggunian* is empowered to
9 provide under the Local Government Code of 1991, as amended;

10
11 (2) Assist the provincial governor in the implementation of the constitutional
12 provisions relative to population development and the promotion of responsible
13 parenthood;

14
15 (3) Establish and maintain an updated data bank for program operations,
16 development planning and an educational program to ensure the people's
17 participation in and undertaking of population development;

18
19 (4) Implement appropriate training programs responsive to the cultural
20 heritage of the inhabitants; and

21
22 (5) Exercise such other powers and perform other duties and functions as may
23 be prescribed by law or ordinance.

24
25 Sec. 41. *The Provincial Environment and Natural Resources Officer.* - (a) The
26 provincial environment and natural resources officer must a citizen of the Philippines,
27 a resident of the province, of good moral character, a holder of a college degree
28 preferably in environment, forestry, agriculture or any related course from a
29 recognized college or university, a first grade civil service eligible or its equivalent and
30 must have acquired at least five (5) years experience in environmental and natural
31 resources management, conservation and utilization.
32

1 The appointment of a provincial environment and natural resources officer is
2 optional.

3
4 (b) The provincial environment and natural resources officer shall perform the
5 following duties and functions:

6
7 (1) Take charge of the office for environment and natural resources, and
8 pursuant thereto, perform the following:

9
10 (i) Formulate measures for the consideration of the *sanggunian* and
11 provide technical assistance and support to the provincial governor in
12 carrying out measures to ensure the delivery of basic services and the
13 provision of adequate facilities relative to environment and natural
14 resources services as provided under Section 17 of the Local
15 Government Code of 1991, as amended; and

16
17 (ii) Develop plans and strategies and, upon approval thereof by the
18 provincial governor, implement the same, particularly those which have
19 to do with the environment and natural resources programs and projects
20 which the provincial governor is empowered to implement and which the
21 *sanggunian* is empowered to provide under the Local Government Code
22 of 1991, as amended;

23
24 (2) Establish, maintain, protect and preserve communal forests, watersheds,
25 tree parks, mangroves, greenbelts, commercial forests and similar forests
26 projects like industrial tree farms and agro-forestry projects;

27
28 (3) Provide extension services to beneficiaries of forest development projects
29 and technical, financial and infrastructure assistance;

30
31 (4) Manage and maintain seed banks and produce seedlings for forests and
32 tree parks;

1

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

5

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

8

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

13

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

18

19 (9) Recommend to the *sanggunian* and advise the provincial governor on all
20 matters relative to the protection, conservation, maximum utilization,
21 application of appropriate technology and other matters related to the
22 environment and natural resources; and

23

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

26

27 *Sec. 42. The Provincial Cooperatives Officer.* - (a) The provincial cooperatives
28 officer must be a citizen of the Philippines, a resident of the province, of good moral
29 character, a holder of a college degree preferably in business administration with
30 special training in cooperatives or any related course from a recognized college or
31 university, a first grade civil service eligible or its equivalent and must have acquired
32 at least five (5) years experience in cooperatives organization and management.

1 The appointment of a provincial cooperatives officer is optional.

2

3 (b) The provincial cooperatives officer shall perform the following duties and
4 functions:

5

6 (1) Take charge of the office for the development of cooperatives, and pursuant
7 thereto, perform the following:

8

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

14

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

21

22 (2) Assist in the organization of cooperatives;

23

24 (3) Provide technical and other forms of assistance to existing cooperatives to
25 enhance their viability as an economic enterprise and social organizations;

26

27 (4) Assist cooperatives in establishing linkages with government agencies and
28 nongovernmental organizations involved in the promotion and integration of
29 the concept of cooperatives in the livelihood of the people and other community
30 services;

31

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

5
6 (6) Recommend to the *sanggunian* and advise the provincial governor on all
7 other matters relative to cooperatives development and viability enhancement
8 which improve the livelihood and the quality of life of the inhabitants; and
9

10 (7) Exercise such other powers and perform other duties and functions as may
11 be prescribed by law or ordinance.
12

13 Sec. 43. *The Provincial Information Officer.* - (a) The provincial information
14 officer must be a citizen of the Philippines, a resident of the province, of good moral
15 character, a holder of college degree preferably in journalism, mass communication
16 or any related course from a recognized college or university, a first grade civil service
17 eligible or its equivalent and must have acquired at least three (3) years experience
18 in writing articles and research papers, or in writing for print, television or broadcast
19 media.
20

21 The term of the provincial information officer is coterminous with that of the
22 appointing authority.
23

24 The appointment of the provincial information officer is optional.
25

26 (b) The provincial information officer shall perform the following duties and
27 functions:
28

29 (1) Take charge of the office for public information, and pursuant thereto,
30 perform the following:
31

1 (i) Formulate measures for the consideration of the *sanggunian* and
2 provide technical assistance and support to the provincial governor in
3 providing the information and research data required for the delivery of
4 basic services and the provision of adequate facilities so that the public
5 becomes aware of the said service and may fully avail of the same; and
6

7 (ii) Develop plans and strategies and, upon approval thereof by the
8 provincial governor, implement the same particularly those which have
9 to do with public information and research data to support the programs
10 and projects which the provincial governor is empowered to implement
11 and which the *sanggunian* is empowered to provide under the Local
12 Government Code of 1991, as amended;
13

14 (2) Provide relevant, adequate and timely information to the provincial
15 government and its inhabitants;
16

17 (3) Maintain effective liaison with the various sectors of the community on
18 matters and issues that affect the livelihood and quality of life of the inhabitants
19 and encourage support for programs of the local and national government;
20

21 (4) Furnish information and data on the province to government agencies or
22 offices as may be required by law or ordinance and nongovernmental
23 organizations to be furnished to said agencies and organizations;
24

25 (5) Be in the frontline of providing information during and in the aftermath of
26 man-made and natural disasters or calamities, with special attention to the
27 victims thereof, to help minimize injuries and casualties during and after
28 emergency, and accelerate relief and rehabilitation;
29

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

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

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5 **ARTICLE VIII**
6 **THE PROVINCIAL FIRE STATION, THE PROVINCIAL JAIL,**
7 **THE PROVINCIAL SCHOOLS DIVISION AND THE**
8 **PROVINCIAL PROSECUTION SERVICE**
9

10 *Sec. 44. The Provincial Fire Station.* - (a) There shall be established in the
11 province at least four (4) fire stations with adequate personnel, firefighting facilities
12 and equipment by the DILG, at least five (5) months upon the commencement of the
13 corporate existence of the new province. The provincial government shall provide the
14 site where the provincial fire station shall be located.

15
16 (b) The provincial fire station service shall be headed by a provincial fire
17 marshal whose qualifications shall be as those provided under Republic Act No. 9263,
18 as amended, otherwise known as the "Bureau of Fire Protection and Bureau of Jail
19 Management and Penology Professionalization Act of 2004".

20
21 (c) The provincial fire stations shall provide various emergency services such
22 as the rescue and evacuation of injured people at fire-related incidents and, in general,
23 fire prevention and suppression measures to secure the safety of life and property of
24 the citizenry.

25
26 *Sec. 45. The Provincial Jail Service.* - (a) The DILG shall, at least five (5) months
27 from the commencement of the corporate existence of the new province, establish
28 and maintain a secured, clean, adequately equipped and sanitary jail facility for the
29 custody and safekeeping of prisoners, any fugitive from justice, or person detained
30 awaiting investigation or trial and/or transfer to the national penitentiary, or a violent
31 mentally ill person who may endanger oneself or the safety of others, as duly certified
32 by the proper medical health officer, prior to the transfer of such person to a mental
33 institution.

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

8
9 *Sec. 46. The Provincial Schools Division.* - (a) The DepEd shall, within two (2)
10 months from the commencement of the corporate existence of the province herein
11 created, establish and maintain a separate schools division in the province whose
12 jurisdiction shall cover all the municipalities of the new province.

13
14 (b) The provincial schools division shall be headed by a division superintendent
15 who must possess the necessary qualifications required by the DepEd.

16
17 *Sec. 47. The Provincial Prosecution Service.* - (a) The Department of Justice
18 (DOJ) shall, within two (2) months from the commencement of the corporate
19 existence of the province herein created, establish and maintain a prosecution service.
20 It shall be headed by a provincial prosecutor who shall be assisted by a number of
21 assistant prosecutors as may be necessary, and whose qualifications, manner of
22 appointment, rank, salary and benefits shall be governed by existing laws covering
23 prosecutors in the DOJ. The Provincial Prosecution Service shall be organizationaliy
24 part of the DOJ, and under the supervision and control of the Secretary of the DOJ.

25
26 (b) The provincial prosecutor shall handle the prosecution of criminal cases in
27 the municipal trial courts in the province, as well as in the regional trial courts for
28 criminal cases originating in the territory of the new province and shall render to and
29 for the province such other services as are required by law or regulation of the DOJ.

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ARTICLE IX
TRANSITORY AND FINAL PROVISIONS

5 Sec. 48. *Plebiscite.* - (a) The Kutawato Province shall be created as provided
6 for in this Chapter upon approval by the majority of the votes cast by the voters of
7 the affected areas in a plebiscite to be conducted and supervised by the Commission
8 on Elections (COMELEC) within ninety (90) days from the date of the effectivity of this
9 Act.

10
11 The expenses for the conduct of the plebiscite shall be borne by appropriate
12 agency in the BARMM.

13
14 Sec. 49. *Commencement of Corporate Existence.* - The corporate existence of
15 the Kutawato Province shall commence upon the composition, qualification and
16 assumption of the provincial governors, provincial vice governors and majority of the
17 members of the *sangguniang panlalawigan*.

18
19 Sec. 50. *Officials of the Newly Created Provinces.* - (a) The elective officials of
20 the newly created province shall be elected in the next local elections following the
21 effectivity of this Act.

22
23 The President of the Philippines shall appoint an interim governor, vice-
24 governor and members of the sangguniang panlalawigan, who shall serve only until a
25 new set of provincial officials have been elected and qualified.

26
27 (b) The incumbent congressional representatives of the province of Cotabato
28 shall continue to represent their respective legislative districts until the expiration of
29 their term of office.

30
31 Sec. 51. *Organization of the Provincial Government.* - All provincial appointive
32 positions in the newly created provinces shall be filled within sixty (60) days upon
33 commencement of its corporate existence.

1 Sec. 52. *Suspension of Increase in the Rates of Local Taxes.* - No increase in
2 the rates of local taxes shall be imposed by the new province within a period of five
3 (5) years from its acquisition of corporate existence.
4

5 Sec. 53. *Proportionate Division.* - Upon the commencement of corporate
6 existence of the new province, the obligations, funds, assets, and other properties of
7 the present Province of Cotabato shall be divided proportionately between the
8 Province of Cotabato and the Kutawato Province by the President of the Philippines
9 upon recommendation of the Commission on Audit.
10

11 Sec. 54. *Applicability of Laws.* - The provisions of the Local Government Code
12 of 1991, as amended, the *Organic Law for the Bangsamoro Autonomous Region in*
13 *Muslim Mindanao*, and other laws applicable to provinces shall govern the herein
14 created province insofar as they are not inconsistent with the provisions of this Act.
15

16 Sec. 55. *Separability Clause.* - If any provision of this Act is declared invalid or
17 unconstitutional, the other parts or provisions not affected thereby shall remain valid
18 and effective.
19

20 Sec. 56. *Repealing Clause.* — All laws, decrees, orders, issuances, and rules
21 and regulations or parts thereof inconsistent with the provisions of this Act are hereby
22 repealed or modified accordingly.
23

24 Sec. 57. *Effectivity.* - This Act shall take effect after fifteen (15) days from its
25 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,