

THE MUNICIPAL LAW

(Chapter 57 Title IX, Administrative Code of 1917 as amended up to 1949)

Edited by Juan F. Rivera

PRELIMINARY ARTICLE.—*Title of Chapter*

SEC. 2164. *Title of chapter.*—This chapter shall be known as the Municipal Law.

ARTICLE I.—*General provisions*

SEC. 2165 — *Corporate powers of municipalities.*—Municipalities are political bodies corporate, and as such are endowed with faculties of municipal corporations, to be exercised by and through their respective municipal governments in conformity with law.

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

[2657—2111; see Commonwealth Act No. 41.]

SEC. 2166. *Municipal subdivisions.*—The municipality shall be divided into barrios and for administrative purposes these may be grouped into districts. The number of districts in the municipality shall be equal to the number of councilors, including the vice-mayor.

[2657—2112; C. A. 233—3.]

SEC. 2167. *Municipal boundary disputes—How settled.*—Disputes as to jurisdiction of municipal government over places or barrios shall be decided by the provincial boards of the provinces in which such municipalities are situated, after an investigation at which the municipalities concerned shall be duly heard. From the decision of the provincial board appeal may be taken by the municipality aggrieved to the Secretary of the Interior, whose decision shall be final. Where the places or barrios in dispute are claimed by municipalities situated in different provinces, the provincial boards of the provinces concerned shall come to an

agreement if possible, but, in the event of their failing to agree, an appeal shall be had to the Secretary of the Interior whose decision shall be final.

[2657—21113.]

SEC. 2168. *Beginning of corporate existence of new municipality.*—Where provision is made for the creation or organization of a new municipality, it shall come into existence as a separate corporate body upon the qualification of the mayor, vice-mayor, and a majority of the councilors, unless some other time be fixed therefor by law.

When a township or other local territorial divisions is converted or fused into a municipality all property rights vested in the original territorial organization shall become vested in the government of the municipality.

[2657—2114; C. A. 233—3; see sec. 2, Act 2824.]

ARTICLE II.—*Organization of municipal government*

SEC. 2169. *Chief officials of municipal government.*—The chief officials of the municipal government are the mayor, the vice-mayor, the treasurer, and the councilors.

With the exception of the treasurer, these officers shall be elected by the qualified voters of the municipality.

[2657—2115; C. A. 233—3.]

SEC. 2170. *Classification of municipalities—Number of councilors.*—Municipalities are divided into five classes, according to their receipts, as follows: Municipalities of the first class shall be those the annual receipts of which averaged fifty thousand pesos or more during the last three years, and shall have eight councilors; of the second class, those the annual receipts of which averaged thirty thousand pesos or more, but less than fifty thousand pesos, during the last three years, and shall have eight councilors; of the third class, those the annual receipts of

which averaged fifteen thousand pesos or more, but less than thirty thousand pesos, during the last three years, and shall have six councilors; of the fourth class, those the annual receipts of which averaged five thousand pesos or more, but less than fifteen thousand pesos, during the last three years, and shall have six councilors; of the fifth class, those the annual receipts of which averaged less than five thousand pesos during the last three years, and shall have four councilors; in case the class of a municipality is raised as herein prescribed, the first additional councilors needed to complete the number corresponding to its new class shall be appointed by the President of the Philippines. The persons so appointed shall hold office until their successors are duly elected at the regular election next following the change of class and have qualified. If a municipality is reduced in class all the councilors in office shall be allowed to serve out their full term. In case of death, resignation, or removal of any such councilor the vacancy thereby caused shall not be filled unless vacancy reduces the number of councilors below that prescribed for the new class, in which case the vacancy shall be filled in accordance with subsection (b) of section 16 of Commonwealth Act No. 357, known as the Election Code.

[2657—2116; 3261—1; C. A. 633; and Republic Act No. 80; see Republic Act No. 130, published at page 14, Vol. I, No. 1, Local Government Review.]

1. See sec 21 (6), Rep. Act 180 (The Revised Election Code).

SEC. 2171. *Change of amount of receipts as affecting classification of municipalities*—Beginning with the year nineteen hundred and twenty-five and for each period of three consecutive years after said date, the Secretary of Interior shall order the classification of the municipalities readjusted in accordance with the rules established in the last preceding section.

[2657—2117; 3261—2; See Republic Act No. 130, published at page 14, Vol. I, No. 1, Local Government Review.]

SEC. 2172. *Additional councilors for municipality passing to higher class.*—[Repealed by C. A. 357—184.]

SEC. 2173. *Reduction in number of councilors for municipality passing to lower class.*—[Repealed by C. A. 357—184.]

[2657—2119.]

ARTICLE III.—*Municipal offices and officers in general*

SEC. 2174. *Qualifications of elective municipal officer.*—An elective municipal officer must, at the time of the election, be a qualified voter in his municipality and must have been resident therein for at least one year; he must be loyal to the United States, and not less than twenty-three years of age. He must also be able to read and write intelligently either Spanish, English, or the local dialect.

[2657—2120.]

SEC. 2175. *Persons ineligible to municipal office.*—In no case shall there be elected or appointed to a municipal office ecclesiastics, soldiers in active service, persons receiving salaries or compensation from provincial or National funds, or contractors for public works of the municipality.

[2657—2121.]

SEC. 2176. *Inhibition against holding of pecuniary interest of municipal official, exceptions.*—It shall be unlawful for a municipal officer to possess a pecuniary interest, either direct or indirect, in any municipal contract work, or other municipal business, or to hold such interest in any cockpit or other game licensed by municipal authority, but the Vice-Mayor when not acting as or performing the duties of the Mayor, and the councilors when not attending sessions of the council, may be employed in National or provincial public works within the province in which they reside and may receive compensation therefrom in addition to the per diems authorized by section twenty-one hundred and eighty-seven of this Code.

[2657—2122; Rep. Act 383—1.]

SEC. 2177. *Term of elective officer.*—[Repealed by Commonwealth Act No. 357—184.]

[2657—2123; 3879—2; C. A. 233—1.]

1. See Sec. 7, Revised Election Code (1947)

SEC. 2178. *Term of appointive officer.*—An officer appointed by the mayor shall, in the absence of special provision, hold until the end of the term of the mayor making the appointment and until his own successor is appointed and qualified, unless prior thereto he shall resign or be removed according to law.

Other appointive municipal officer shall hold until resignation or removal from office according to law.

[2657—2124; C. A. 233—3.]

SEC. 2179. *Change of territory as affecting tenure of office.*—When a part of a barrio is detached from a municipality or to be added to an existing municipality any officer of the old municipality living in the detached territory may continue to hold this office and exert the functions thereof for the remainder of his term; but if he is resident of a barrio the whole of which is detached, his office shall be deemed to be vacated.

[2657—2125.]

SEC. 2180. *Vacancies in municipal office.*— [Repealed by Commonwealth Act No. 357—184.]

[2657—2126; C. A. 233—3.]

1. See Sec. 21, Revised Election Code (1947)

SEC. 2181. *Declaration of vacancy in elective municipal office.*—Should any elective municipal officer become permanently incapacitated for the proper discharge of his duties during his term of office, through accident or disease, his office may be declared vacant by the vote of a majority of all the members of the council.

[2657—2127.]

SEC. 2182. *Resignation of municipal officer.*—Any elective municipal officer who has qualified may be allowed to resign in the interest of the public service, with the approval of the provincial board.

[2657—2128.]

SEC. 2183. *Salaries of municipal*

officer.—The salaries of the mayor and municipal secretary shall be fixed by the council; that of the municipal treasurer by the provincial board.

[2657—2129; C. A. 233—3.]

SEC. 2184. *Maximum limit of salaries.*—

FIRST CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES

Second Session

H. No. 230

S. No. 77

[REPUBLIC ACT NO. 103]

AN ACT INCREASING THE MAXIMUM LIMIT OF THE SALARIES OF MAYORS, SECRETARIES AND TREASURERS OF MUNICIPALITIES IN REGULARLY ORGANIZED PROVINCES, AMENDING FOR THIS PURPOSE SECTION TWENTY-ONE HUNDRED AND EIGHTY-FOUR OF THE REVISED ADMINISTRATIVE CODE, AS AMENDED.

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

SECTION 1. Section twenty-one hundred and eighty-four of the Revised Administrative Code, as amended, is further amended to read as follows:

“SEC. 2184. *Maximum limit of salaries.*—Except as otherwise specially provided, the annual salaries of municipal officers shall not exceed the amounts herein-below fixed:

“In municipalities of the first class: for the mayor, twenty-four hundred pesos; for the municipal secretary, fourteen hundred and forty pesos; and for the municipal treasurer, twenty-one hundred and sixty pesos, of which fourteen hundred and forty pesos shall be payable out of municipal funds in his capacity as municipal treasurer, and seven hundred and twenty pesos out of provincial funds in his capacity as deputy of the provincial treasurer.

“In municipalities of the second class: for the mayor, twenty hundred and forty pesos; for the municipal secretary, twelve hundred pesos; and for the municipal treasurer, sixteen hundred and eighty pesos, of which eleven hundred and twenty pesos shall be payable out of municipal funds in his capacity as municipal treasurer, and five

hundred and sixty pesos out of provincial funds in his capacity as deputy of the provincial treasurer:

"In municipalities of the third class: for the mayor, sixteen hundred and eighty pesos; for the municipal secretary, nine hundred and sixty pesos; and for the municipal treasurer, fourteen hundred and forty pesos, of which nine hundred and sixty pesos shall be payable out of municipal funds in his capacity as municipal treasurer, and four hundred and eighty pesos out of provincial funds in his capacity as deputy of the provincial treasurer.

"In municipalities of the fourth class: for the mayor, fourteen hundred and forty pesos; for the municipal secretary, seven hundred and twenty pesos; and for the municipal treasurer, twelve hundred pesos, of which eight hundred pesos shall be payable out of municipal funds in his capacity as municipal treasurer, and four hundred pesos out of provincial funds in his capacity as deputy of the provincial treasurer.

"In municipalities of the fifth class: for the mayor, twelve hundred pesos; for the municipal secretary, six hundred pesos; and for the municipal treasurer, nine hundred and sixty pesos, of which six hundred and forty pesos shall be payable out of municipal funds in his capacity as municipal treasurer, and three hundred and twenty pesos out of provincial funds in his capacity as deputy of the provincial treasurer.

"From the decisions of the provincial board with regard to salaries and per diems of municipal officers, the municipal officer or council concerned or any member of the provincial board having expressed his disconformity when the resolution objected to was passed, may appeal, and such appeal shall, within ten days after his receipt by the provincial board, be forwarded to the Secretary of the Interior or the Secretary of Finance, as the case may be, whose decision shall be final."

SEC. 2. Provincial boards and municipal councils that have already submitted their budgets for the current fiscal year may, for the purposes of this Act, recall said budgets to make the necessary adjustments in conformity with the scale of salaries provided for in

this Act.

SEC. 3. This Act shall take effect upon its approval.

Approved, June 2, 1947.

[2657—2130; 3261—3; 4007—33; C. A. 233—3; Rep. Act, No. 103]

SEC. 2185. *Additional compensation for municipal treasurer acting as municipal secretary.*—The municipal council with the approval of the provincial board, may require that the municipal treasurer shall, in addition to the regular duties of his office, perform the duties of municipal secretary; in which case he may be paid additional compensation in an amount fixed by the municipal council, with the approval of the provincial board; but the compensation thus paid to the treasurer for his services in both capacities shall not exceed seventy-five per centum of the sum of the salaries attached to the two offices.

[2657—2131.]

SEC. 2186. *Additional compensation for treasurer in the capacity of deputy provincial treasurer.*—A municipal treasurer may receive, for his services in the capacity of deputy provincial treasurer, such additional compensation to be paid from provincial funds, as the provincial board may fix and the (Chief of the Executive Bureau) Secretary of Finance may approve.

[2657—2132; See act 4007—33, C. A. 78, and Executive Order No. 94, S. 19-47.]

SEC. 2187. *Compensation of vice-mayor and councilors.*—Full pay for sick mayor.—The municipal council may, with the approval of the provincial board and the Department of the Interior, grant to the vice-mayor and each councilor a per diem not to exceed two pesos for each day of regular session of the council actually attended by them; but when, by reason of absence, suspension, or other disability, the mayor ceases to discharge the duties of his office, the vice-mayor or councilor acting as mayor shall receive compensation equivalent to the salary of the mayor during the period of such service.

The mayor shall receive full salary

when absent from the municipality upon occasion of any meeting of mayors convoked by the provincial board or when absent therefrom upon any other business the performance of which is required of him by express provision of law or competent administrative authority or if the general funds of the municipality permit when he is absent from his office because of illness contracted through no fault of his own, provided the absence in the latter case does not exceed thirty days during the year, which fact must be attested by an affidavit of the interested party and by a medical certificate or, if there be no physician in the locality, by a health officer's certificate; and if during such authorized or justified absence the vice-mayor or a councilor temporarily discharges the local duties of mayor, the officer rendering such service may receive compensation in an amount to be fixed by the council, with the approval of the provincial governor, which amount shall not be in excess of the salary of mayor for the same period: *Provided*, That per diems for attendance of the sessions of the council shall not be paid to an officer rendering such service.

When absent from their permanent stations on official business other than attendance at the session of the council, vice-mayor and councilors shall be allowed their actual expenses of travel with the approval of the provincial governor.

[2657—2133; 3356—1; 3931—1 C. A. 233—3.]

(To be continued)

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AURORA A. QUEZON — Sacrifice yourselves in the interest of the needy. Don't expect reward from those to whom you extend aid. The satisfaction of having done your duty is enough recompense.

A HINT TO PROVINCIAL GOVERNORS AND MUNICIPAL MAYORS

When Mayor La Guardia of New York City was asked by reporters whether he would be a candidate for President of the U.S. in 1940, he replied:

"It is a bad thing for a man holding one office to think about obtaining another office. It impairs his usefulness. It is like necking in a closed car on a moonlight night, after a good dinner and champagne. Don't start it."

Could he be drafted? "Don't be silly. Nobody was ever drafted for any office any time, anywhere."—*From Time*.

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