

MUNICIPAL AFFAIRS SUBJECT TO ACTION BY NATIONAL AND OR PROVINCIAL AUTHORITIES

(Compiled by Juan F. Rivera, Chief, Provincial Division, Department of the Interior and Member: Malacañan Legislative Assistance Committee and Technical Negotiators on Delimitation of U. S. Military & Naval Bases in the Philippines)

1. Municipal boundary disputes shall be decided by the Provincial Board or Boards concerned, subject to appeal to Secretary of the Interior whose decision is final. (Sec. 2167, Adm. Code).
2. Classification of municipalities or readjustment thereof to be authorized by the President of the Philippines. (R.A. 130).
3. Additional municipal councilors of a municipality raised in class shall be appointed by the President of the Philippines. (C.A. 633).
4. Temporary vacancy in any elective municipal office to be filled by Provincial Governor with the consent of the Provincial Board; vacancy as a result of the death, resignation, removal or cessation of the incumbent, by the President of the Philippines upon recommendation of the political party of the officer to be replaced, save in the case of a mayor, which shall be filled by the vice-mayor. (Sec. 21(a) & (b), Rev. Election Code R.A. 180).
5. Resignation of elective municipal officer is subject to approval of the provincial board. (Sec. 2182, Adm. Code).
6. Salaries of municipal treasurers shall be fixed by the provincial board. (Sec. 2183, Adm. Code).
7. Decisions of provincial board with regard to salaries and per diems of municipal officers may be appealed by the municipal officer or council concerned or any board member to the Secretary of the Interior whose decision is final. (Sec. 2184, last par., Adm. Code).
8. 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. (Sec. 2185, Adm. Code).
9. Additional compensation may be paid to the municipal treasurer designated as acting municipal secretary in an amount fixed by the municipal council, with the approval of the provincial board, in not exceeding 75% of the sum of the salaries attached to the two offices. (Sec. 2185, id.)
10. Additional compensation may be granted to the municipal treasurer as deputy provincial treasurer by the provincial board out of provincial funds, subject to approval by the Secretary of Finance. (Sec. 2186, Adm. Code; C. A. 78; E. O. 167, s. '38 and E. O. 94, s. '47).
11. A per diem not to exceed two pesos for each day of *regular session* of the council *actually attended* may be granted by the municipal council to the vice-mayor and each councilor, subject to approval of the provincial board and the Secretary of the Interior. (Sec. 2187, 1st par., Adm. Code).
12. During an authorized or justified absence of municipal mayor, the vice-mayor or a councilor temporarily discharging duties of mayor may receive compensation in an amount to be fixed by the council, with the approval of the provincial governor, not exceeding the salary of the mayor for the same period, provided per diems for attendance of the sessions of the council shall not be paid to such vice-mayor or councilor. (Sec. 2187, last par., id.)

13. Provincial governor shall receive and investigate complaints made under oath against municipal officers for neglect of duty, oppression, corruption or other form of maladministration of office, and conviction by final judgment of any crime involving moral turpitude. For minor delinquency he may reprimand the offender. (Sec. 2188, Adm. Code).
14. Provincial governor may suspend a municipal officer (not being the municipal treasurer) pending investigation by the Provincial Board of the charges preferred against such municipal officer if the charges affect the official integrity of the same officer. (Sec. 2188, id.)
15. Provincial Board shall hear and investigate the truth or falsity of charges preferred against municipal officer other than the municipal treasurer. (Sec. 2188, id)
16. Suspension of accused for more than thirty days may be continued in case of conviction until the Secretary of the Interior shall otherwise direct or the case finally decided by the said Secretary. (Sec. 2189, Adm. Code).
17. If the provincial board shall adjudge that the charges are not sustained, the proceedings shall be dismissed; if it shall adjudge that the accused has been guilty of misconduct which would be sufficiently punished by reprimand or further reprimand, it shall direct the provincial governor to deliver such reprimand in pursuance of its judgment; and in either case the official, if suspended, shall be reinstated. (Sec. 2190, 1st par., id.)
18. If the case requires severe discipline and in case of appeal, certified copies of the record in the case shall be forwarded to the Secretary of the Interior, together with the recommendation of the board as to whether the official ought to be suspended, further suspended, or finally dismissed from office; and in such case the board may exercise its discretion to reinstate the official, if suspended. (Sec. 2190, last par., id.)
19. The Secretary of the Interior shall review the case without unnecessary delay and shall make such order for the reinstatement, dismissal, suspension, or further suspension of the official. Disciplinary suspension made upon order of the Secretary of the Interior shall be without pay. No final dismissal shall take effect until recommended by the Secretary of the Interior and approved by the President of the Philippines. (Sec. 2191, id.)
20. A municipal officer suspended from duty pending an investigation of charges against him shall receive no pay during such suspension; but upon subsequent exoneration or reinstatement, the Department Head may order the payment of the whole or part of the salary accruing during such suspension. (Sec. 2192, id.)
21. Upon receiving information to the effect that any municipal officer is guilty of official misconduct involving criminal or civil liability of such character as to make advisable the institution of judicial proceedings, the provincial governor shall direct the provincial fiscal to institute such proceedings. (Sec. 2193, Adm. Code).

(To be continued)

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