

# MUNICIPAL AFFAIRS SUBJECT TO ACTION BY NATIONAL AND / OR PROVINCIAL AUTHORITIES

(Compiled by Juan F. Rivera, Chief, Provincial Division, Department of the Interior, and Pensionado of the Republic of the Philippines to the University of Wisconsin Graduate School on "Municipal Government Administration.")

(Continued from June number)

22. Deed or instrument which conveys municipal real property or any interest therein or which creates a lien upon the same is subject to the approval of the provincial governor. (Sec. 2196, Adm. Code)
23. If the second nomination made by a municipal mayor to fill a position is rejected by the municipal council, the municipal mayor may appeal to the provincial board within ten days and said provincial board shall have the power and duty to decide the controversy over said appointment within fifteen days after receiving such appeal, and in case the mayor does not agree with the decision of the provincial board, he may also appeal against the resolution of the same to the Secretary of the Interior who shall decide said appeal within twenty days from the receipt of the same and whose decision shall be final. (Sec. 2200, Adm. Code)
24. Appointments of subordinates including members of the police force are subject to approval by the Department Head concerned. (Ex. Ord. 63, s. 1917; Ex. Ord. No. 175, s. 1938.)
25. An appointment or promotion effective as of a date prior to that upon which the appointment or promotion is actually made is subject to the approval of the Head of Department. (Sec. 256, Adm. Code)
26. The municipal treasurer shall be appointed by the provincial treasurer, subject to the provisions of the Civil Service Law. (Sec. 2205, Adm. Code)
27. The Provincial Treasurer shall designate a suitable person to discharge the duties of the office of municipal treasurer upon the occasion of the absence, suspension, or other disability of the incumbent. (Sec. 2206, Adm. Code)
28. When the number or salaries of clerks of a municipal treasurer are manifestly inadequate, the provincial board may increase them upon application. (Sec. 2207, Adm. Code)
29. The municipal treasurer may for cause, suspend from office without salary for not to exceed thirty days any employee thus appointed or, with the approval of the provincial treasurer, remove him from office (Sec. 2207, Adm. Code, last par.; but see C. A. 177)
30. The municipal treasurer shall, as deputy of the provincial treasurer, perform in the municipality such duties not inconsistent with law as the provincial treasurer may assign to him. (Sec. 2208 (e), Adm. Code)
31. The books, accounts, papers, and cash of the municipal treasurer shall at all times be open to the inspection of the provincial treasurer or his deputy specially authorized for that purpose, and of the provincial auditor or his deputy. (Sec. 2210, Arm. Code)
32. The provincial treasurer shall suspend from office a municipal treasurer

## Rulings . . .

dies of an accountable official with increased responsibilities, his pay remained as that of his former position as principal clerk of Maribojoc at the rate of P45.00 a month, provided such payment of per diem in excess of three months would be approved by the President of the Philippines.—4th Ind., March 19, 1946 of Dep. Aud. Gen. to Sec. of Finance.

- urer in default. (Sec. 2211, Adm. Code)
33. The municipal council may, with the concurrence of two-thirds of the members, suspend or, subject to the approval of the provincial board, expel a member for cause. (Sec. 2223, Adm. Code)
34. If the provincial board finds that any resolution, ordinance, or order is beyond the powers conferred upon the municipal council or mayor making the same, it shall declare such resolution, ordinance or order invalid. (Sec. 2233, Adm. Code)
35. Should the municipal council be dissatisfied with the decision of the provincial board, an appeal may be taken by a two-thirds vote of the council to the Secretary of the Interior, who shall decide the same question which was presented to the provincial board and either affirm or reverse the decision of the provincial board. The mayor concerned may likewise appeal from the decision of the provincial board annulling an executive order. (Sec. 2235, Adm. Code)
36. Any judicial tribunal is vested with power to hold void for want of statutory authority any act, ordinance, or resolution of a municipal council or executive order of a mayor the validity of which shall be involved in any cause arising before such tribunal, without respect to the decision of the executive authorities. (Sec. 2236, Adm. Code)
37. Changing names of streets is subject to the approval of the Secretary of the Interior. (Sec. 2243(d), Adm. Code, as amended by C. A. 249.)
38. Regulation of cockpits, cockfighting and horse races, is subject to the provisions of C. A. 601 and Ex. Ords. 320, 326, 327, all s. 1941.
39. A provincial board may in its discretion abolish or reduce any fee imposed under the authority of Section 2244, Adm. Code, regarding permits for certain pursuits.
40. Exercise of power of eminent domain is subject to the approval of the Department Head for the following purposes: the construction or extension of roads, streets, sidewalks, bridges, ferries, levees, wharves, or piers; the construction of public buildings, including schoolhouses, and the making of improvements in connection therewith; the establishment of parks, playgrounds, plazas, market places, artesian wells, or systems for the supply of water; and the establishment of cemeteries, drainage systems, cesspools, or sewage systems. (Sec. 2245, Adm. Code)
41. With the prior authorization of the Department Head, a municipal council may close any municipal road, street, alley, park, or square; but no such way or place aforesaid, or any part thereof, shall be closed without indemnifying any person prejudiced thereby (Sec. 2246, Adm. Code)
42. Measures relative to sanitation shall not be inconsistent with the regulations of the Bureau of Health. (Sec. 2247), Adm. Code)
43. With the approval of the Department Head, a municipal council may make appropriations for the use of national and provincial institutions of a charitable, benevolent, or educational character, such appropriations to be made only from funds which would be available if the institution or institutions to be assisted were maintained by the municipality. (Sec. 2248, Adm. Code)

*(To be continued)*

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