

5th City Council
31st Regular Session
Series of 2009

Republika ng Pilipinas
SANGGUNIANG PANLUNGSOD
Lungsod ng Dabaw
-oOo-

PRESENT:

Councilor	Maria Belen S. Acosta	- President Pro Tempore
Councilor	Nilo G. Abellera	
Councilor	Victorio S. Advincula	
Councilor	Wilberto E. Al-ag	
Councilor	Dante L. Apostol, Sr.	
Councilor	Leonardo R. Avila III	
Councilor	Conrado C. Baluran	
Councilor	Samuel B. Bangoy	
Councilor	Karlo S. Bello	
Councilor	Louie John J. Bonguyan	
Councilor	Pilar C. Braga	
Councilor	Arnolfo Ricardo B. Cabling	
Councilor	Danilo C. Dayanghirang	
Councilor	Paolo Z. Duterte	
Councilor	Edgar R. Ibuyan	
Councilor	Peter T. Laviña	
Councilor	Diosdado Angelo A. Mahipus, Sr.	
Councilor	Teresita C. Mata-Marañon	
Councilor	Bonifacio E. Militar	
Councilor	Tomas J. Monteverde IV	
Councilor	Myrna G. L'Dalodo-Ortiz	
Councilor	Susan Isabel C. Reta	
Councilor	Halila Y. Sudagar	
Councilor	Angela A. Librado-Trinidad	
Councilor	Jose Louie P. Villafuerte	
Councilor	Rachel P. Zozobrado	

OFFICIAL BUSINESS:

Vice Mayor Sara Z. Duterte

ORDINANCE NO. 0262-09
Series of 2009

**AN ORDINANCE APPROVING THE
CODE OF ORDINANCES OF DAVAO CITY**

Be it ordained by the Sangguniang Panlungsod of Davao City in session assembled:

CHAPTER I

GENERAL PROVISIONS

Article A. Short Title and Scope

Section 1. Title. This Ordinance shall be known as the “**Code of Ordinances of Davao City 2009**”.

Section 2. Scope. This Code covers all general and special ordinances of Davao City.

Article B. Rules of Construction

Section 3. Words and Phrases. Words and phrases embodied in this Code but not herein specifically defined shall have the same meaning as found in legal dictionaries as well as in existing laws.

Section 4. Construction of Codal Provisions. In construing the provisions of this Code, the following rules of construction shall be observed unless otherwise inconsistent with the manifest intent of the provisions or when applied they would lead to absurd or highly improbable results.

a) *General Rule.* All words and phrases shall be construed and understood according to the common approved usage of the language; but technical words and phrases and such other words in this Code which may have acquired a peculiar or appropriate meaning shall be construed and understood according to such technical, peculiar or appropriate meaning.

b) *Gender and Number.* The Code shall adopt a gender fair language. Every word importing the singular number shall extend and apply to several persons or things as well; and every word importing a plural number shall extend, and apply, also to one person or thing.

c) *Computation of Time.* The time within which an act is to be done as provided in this Code, or any rule or regulation issued pursuant to the provisions thereof, when expressed in days shall be computed by excluding the first day and including the last day, except when the last day falls on Sunday or holiday, in which case, the same shall be excluded from the computations and the next day shall be considered the last day.

d) *Tenses.* The use of any verb in the present tense shall include the future whenever applicable. The words “shall have been” shall include past and future cases. The use of the word “shall” in this Code means the act being required to be done is mandatory, whereas when the word “may” is used, it means permissive.

e) *References.* All references to the “Chapters”, “Articles”, or “Sections” are to chapters, articles or sections in this Code unless otherwise specified.

Footnotes refer to the original ordinances where the said provisions are extracted.

f) *Conflicting Provisions of Chapters.* If the provisions of different chapters conflict with or contravene each other, the provisions of each chapter shall prevail as to all specific matters and questions involved therein.

g) *Conflicting Provisions of Sections.* If the provisions of different sections in the same chapter conflict with each other, the provisions of the Section, which is last in point of sequence shall prevail.

Section 5. Amendment and Integration of Additional Provisions. Any amendment on this Code may be introduced to the chapter, article or section concerned. All ordinances or provisions thereof enacted subsequent to the date of effectivity of this Code shall be compiled in such a way as to bear the corresponding chapter, article or section to which such ordinance or provision pertains. Such new provisions shall be integrated into the corresponding chapter, article or section whenever a new printing or reproduction of this Code is undertaken upon authorization of the Sanggunian.

Section 6. Existing Rights. No right accrued, action or proceeding commenced before the effectivity of this Code shall be adversely affected by any provisions hereof. Thereafter, all procedures or actions to be taken shall conform to the provisions of this Code whenever possible.

Section 7. Reference to Code. Whenever reference is made to any portion of this Code, such reference shall apply to all amendments and additions now or may hereafter be introduced.

Section 8. Effect of Heading. The Chapter, Article and Section headings do not in any manner affect the scope, meaning or intent of the provisions contained in this Code.

Section 9. Relation to Prior Ordinance. The provisions of this Code which are substantially the same as that of previous or existing ordinances particularly when dealing with the same subject matter shall be construed as “restatement” and not as a new enactment.

Article C. Definition of Terms

Section 10. Meaning of Technical Terms. As used in this Code, the following terms shall be construed to mean as follows:

Amusement - means a pleasurable diversion and entertainment. It is synonymous to recreation, relaxation, avocation, pastime or fun.

Amusement Places - include theaters, cinemas, concert halls, circuses and other places of amusement where one seeks admission to entertain himself by seeing or viewing the show of performance. They include those places where one seeks admission to entertain himself by direct participation.

Business - means a commercial activity customarily engaged in as a means of livelihood and typically involving some independence of judgment and power of decision.

Calling - means one’s regular business, trade, profession, vocation or employment which does not require the passing of an appropriate government board or bar examinations, such as professional actors and actresses, masseurs, commercial stewards and stewardesses and the like.

Capital - signifies the actual estate whether in money or property owned by an individual or corporation; it is a fund with which it transacts its business, which would be liable to each creditor, and which in case of insolvency passes on to a receiver.

Capital Investment - is the capital which a person puts in any undertaking or which he contributes to the common stock of a partnership, corporation, or any other juridical entity or association.

Charges - refers to pecuniary liability, as rents or fees against property, persons or organizations.

Corporation - includes a joint-stock company, partnership, association, insurance company, or any other juridical entity, no matter how created.

Excessive - means that which is characterized by whatever is notably greater than what is moderate, reasonable, proper, usual, necessary and just.

Fee - means a charge fixed by law or agency for the services of a public officer.

Levy - means an imposition or collection of an assessment, tax, tribute or fine.

License or Permit - is a right or permission granted in accordance with law by a competent authority to engage in some businesses or occupations or to engage in some transactions.

Market Premises - refers to any open space in the public market compound; part of the market lot consisting of bare ground not covered by market buildings usually occupied by transient vendors specially during market days.

Market Stalls - refers to any allotted space or booth in the market buildings where merchandise of any kind are sold or offered for sale.

Tax - means an enforced contribution, usually monetary in form, levied by the law-making body on persons and property subject to its jurisdiction for the precise purpose of supporting government needs.

Occupation - means one's regular business or employment, or an activity which principally takes up one's time, thought and energies. It includes any calling, business, trade, profession or vocation.

Operator - includes the owner, manager, administrator, or any other person who operates or is responsible for the operation of business establishments or undertakings.

Person - means every physical or moral, real or juridical and legal being, susceptible of rights and obligations or of being the subject of legal relations.

Privilege - means a right or immunity granted as a peculiar benefit, advantage or favor.

Profession - means a calling which requires the passing of an appropriate government board or bar examination, such as the practice of law, medicine, public accountancy, engineering and the like.

Residents - refer to natural persons who have their habitual residence in the province, city or municipality where they exercise their civil rights and fulfill their civil

obligations and to juridical persons for which the law or any other provisions creating or recognizing them fixes their residence in a particular province, city or municipality. In the absence of such law, juridical persons are residents of the province, city or municipality where their legal representation is established or where they exercise their principal functions.

Revenue - includes taxes, fees and charges that a state or its political subdivision collects and receives into the treasury for public purposes.

Services - refers to the duties, work or functions performed or discharged by a government officer, or by a private person contracted by the government, as the case may be.

Night Club or Day Club - includes places frequented at night or daytime, as the case may be, where foods, wines and drinks are served and music is furnished by the operator and the patrons are allowed to dance with their own partners or with hostesses furnished by the management.

Cabaret or Dance Hall - includes any place or establishments where dancing is permitted to the public in consideration of any admission, entrance or any other fee paid on, before or after the dancing, and where professional hostesses or dancers are employed.

Bars - include beer gardens or any place where intoxicating and fermented liquors or malts are sold, disposed of or given away for compensation, even without foods, where the services or hostesses and/or waitresses are employed and where customers are entertained by occasional dancing to music not rendered by a regular dance orchestra or musicians hired for the purpose, otherwise the place shall be considered and classified as a dance hall or night club. A "cocktail lounge" is considered as a "bar" even if there is no hostess or waitress to entertain customers.

CHAPTER 11

ORGANIZATIONAL STRUCTURE AND STAFFING PATTERN

Article A – Offices, Officials and Employees of the City Government of Davao

Section 1. – This Chapter shall provide for the Organizational Structure and Staffing Pattern of the City of Davao. ¹

Section 2. – The officials, functions and staffing pattern of the City Government of Davao shall be composed of the following offices herein listed as follows:

Section 3. Office of the City Mayor. The City Mayor shall perform the enumerated functions under Section 455, Article One, Chapter Three of R.A. 7160, otherwise known as the Local Government Code of 1991. The Office of the City Mayor shall be composed of the following offices:

¹ Ordinance No. 2374, s. 1994, otherwise known as "An Ordinance Approving the Organizational Structure and Staffing Pattern of the City Government of Davao"

No. of Positions	POSITION TITLE	Salary Grade
1	City Mayor	30
<i>COMMUNICATION UNIT</i>		
1	Administrative Assistant V	11
1	Administrative Assistant III	9
2	Administrative Assistant II	8
6	Administrative Aide VI	6
1	Administrative Aide IV	4
1	Administrative Aide III	3
<i>CORRESPONDENCE & RECORDS DIVISION</i>		
1	Supervising Administrative Officer	22
1	Administrative Officer V	18
<i>Correspondence Section</i>		
1	Computer Programmer III	18
1	Administrative Officer III	14
2	Administrative Assistant VI	12
1	Administrative Assistant II	8
1	Administrative Assistant I	7
2	Administrative Aide VI	6
2	Administrative Aide III	3
<i>Records Section</i>		
1	Administrative Officer III	14
1	Administrative Officer I	10
1	Administrative Assistant II	8
1	Administrative Aide VI	6
2	Administrative Aide III	3
<i>BARANGAY & CULTURAL COMMUNITIES AFFAIRS DIVISION</i>		
1	Community Affairs Officer IV	22
1	Community Affairs Officer III	18
<i>Barangay Operations Section</i>		
1	Community Affairs Officer II	15
3	Community Affairs Officer I	11
1	Administrative Assistant III	9
1	Administrative Assistant II	8
2	Administrative Aide VI	6
1	Administrative Aide IV	4
1	Administrative Aide IV	4

Cultural Communities Affairs Section

1	Community Affairs Officer II	15
3	Community Affairs Officer I	11
1	Administrative Assistant II	8
1	Administrative Aide VI	6
1	Administrative Aide IV	4

Barangay Youth Affairs Section

1	Community Affairs Officer II	15
3	Community Affairs Officer I	11
1	Administrative Assistant II	8
2	Administrative Aide VI	6
1	Administrative Aide IV	4

*PERMITS AND LICENSES DIVISION
(Business Bureau)*

1	Licensing Officer IV	22
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Processing & Examination Services

1	Licensing Officer III	18
1	Licensing Officer II	15
1	Computer Programmer III	18
3	Administrative Assistant VI	12
2	Licensing Officer I	11
1	Administrative Assistant I	7
1	Administrative Assistant I	7
1	Administrative Aide VI	6
1	Administrative Aide IV	4
2	Administrative Aide IV	4

Inspection and Verification Services

1	Licensing Officer III	18
12	Licensing Officer I	11
1	Administrative Aide IV	4
2	Administrative Aide IV	4
1	Administrative Aide III	3

PUBLIC INFORMATION & PRODUCTION DIVISION

1	Supervising Administrative Officer	22
1	Administrative Officer V	18

Operations Section

1	Administrative Officer IV	15
1	Administrative Assistant III	9
1	Administrative Assistant II	8
2	Administrative Aide IV	4
1	Administrative Aide IV	4

Production Section

3	Administrative Officer IV	15
2	Administrative Officer II	11
1	Administrative Aide V	5
2	Administrative Aide IV	4

CITY LIBRARY

1	Librarian IV	22
1	Librarian III	18

Main Library Services

5	Librarian II	14
1	Administrative Officer IV	15
2	Administrative Assistant II	8
1	Administrative Assistant I	7
1	Administrative Assistant I	7
1	Administrative Aide IV	4
1	Administrative Aide IV	4

Extension Libraries

1	Librarian III	18
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Buhangin District

1	Librarian II	14
1	Administrative Aide IV	4
1	Administrative Aide III	3

Bunawan District

1	Librarian II	14
1	Administrative Aide IV	4
1	Administrative Aide III	3

Toril District

1	Librarian II	14
1	Administrative Aide IV	4
1	Administrative Aide III	3

Tugbok District

1	Librarian II	14
1	Administrative Aide IV	4
1	Administrative Aide III	3

Calinan District

1	Librarian II	14
1	Administrative Aide IV	4
1	Administrative Aide III	3

Bookmobile

1	Administrative Assistant VI	12
1	Administrative Aide IV	4
1	Administrative Aide III	3

SPORTS DEVELOPMENT DIVISION

1	Sports Development Officer IV	22
1	Sports Development Officer III	18
2	Sports & Games Regulation Officer II	14
14	Recreation & Welfare Services Assistant	7

TOURISM PROMOTION DIVISION

1	Supervising Tourism Operations Officer	22
1	Senior Tourism Operations Officer	18

Tourism Promotion Section

1	Tourism Operations Officer II	15
2	Tourist Receptionist III	13
1	Administrative Aide VI	12
1	Tourist Receptionist I	8

Tourism Assistance Section

1	Tourism Operations Officer II	15
3	Tourist Receptionist III	13
1	Administrative Aide VI	12
1	Administrative Aide V	5
2	Administrative Aide IV	4

INTEGRATED GENDER AND DEVELOPMENT DIVISION

1	Development Mgt. Officer IV	22
1	Development Mgt. Officer III	18

Integrated Gender Coordinative/Monitoring & Evaluation Section

1	Development Mgt. Officer II	15
1	Development Mgt. Officer I	11
1	Clerk III	6

Integrated Gender Regulatory Section

1	Development Mgt. Officer II	15
1	Development Mgt. Officer I	11
1	Clerk II	4

Section 4. Office of the City Vice Mayor. The City Vice Mayor shall perform the enumerated functions under Section 456, Article Two of R.A. 7160. He/she shall be the head of the office of the Sangguniang Panlungsod, as follows: ²

No. of Positions	POSITION TITLE	Salary Grade
1	City Vice Mayor II	28

Section 5. The Sangguniang Panlungsod. The Sangguniang Panlungsod shall perform the enumerated functions under Article Three, Sections 457 & 458 of R.A. 7160.

No. of Positions	POSITION TITLE	Salary Grade
29	Sangguniang Panlungsod Member II	27

OFFICE OF THE SECRETARY

1	Secretary to the Sangguniang Panlungsod (City Government Department Head II)	26
1	Asst. Sec. to the Sangguniang Panlungsod (City Government Asst. Dept. Head II)	24
1	Translator II	11
1	Translator I	8

ADMINISTRATIVE DIVISION

1	Supervising Administrative Officer	22
1	Board Secretary III	20
1	Local Legislative Staff Officer IV	19

Records & Correspondence Section

1	Administrative Officer III	14
1	Computer Programmer III	18
4	Administrative Assistant VI	12
3	Administrative Officer I	10
1	Administrative Assistant IV	10
1	Administrative Assistant II	8
2	Administrative Assistant I	7

² R. A. 7160, otherwise known as the "Local Government Code of 1991"

2	Administrative Aide VI	6
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Human Resource Management Section

1	Administrative Officer IV	15
2	Administrative Officer II	11
1	Administrative Assistant IV	10
3	Administrative Assistant II	8
2	Administrative Assistant I	7
2	Administrative Aide VI	6

Property & Miscellaneous Section

1	Administrative Officer III	14
1	Security Officer II	15
3	Administrative Officer I	10
1	Administrative Assistant II	8
1	Administrative Assistant I	7
2	Administrative Aide VI	6
6	Security Guard III	8
4	Administrative Aide IV	4
2	Administrative Aide III	3

Electronics & Communication Section

1	Communication Development Officer II	15
2	Communication Development Officer I	11
2	Administrative Assistant V	11
9	Administrative Assistant III	9
4	Administrative Aide III	3

APPROPRIATION EVALUATION AND CONTROL DIVISION

1	Local Legislative Staff Officer V	22
1	Local Legislative Staff Officer IV	19

Appropriation Evaluation Section

1	Local Legislative Staff Officer III	16
1	Local Legislative Staff Officer II	13
4	Senior Administrative Assistant I	13
2	Local Legislative Staff Officer I	11
2	Administrative Assistant II	8
2	Administrative Aide III	3

Appropriation Control Section

1	Local Legislative Staff Officer III	16
1	Local Legislative Staff Officer II	13
4	Senior Administrative Assistant I	13
2	Local Legislative Staff Officer I	11
2	Administrative Assistant II	8
2	Administrative Aide III	3

RESOLUTIONS ORDINANCES AND AGENDA DIVISION

1	Local Legislative Staff Officer V	22
1	Local Legislative Staff Officer IV	19

Resolution & Ordinances Section

1	Local Legislative Staff Officer III	16
1	Local Legislative Staff Officer II	13
4	Senior Administrative Assistant I	13
2	Local Legislative Staff Officer I	11
4	Administrative Assistant V	11
1	Administrative Assistant II	8

Agenda & Committee Hearing Section

1	Local Legislative Staff Officer III	16
1	Local Legislative Staff Officer II	13
4	Senior Administrative Assistant I	13
2	Local Legislative Staff Officer I	11
1	Administrative Assistant IV	10
1	Administrative Assistant II	8
1	Administrative Assistant I	7
4	Administrative Aide III	3

ARCHIVAL & LIBRARY DIVISION

1	Local Legislative Staff Officer V	22
1	Local Legislative Staff Officer IV	19

Archival Services Section

1	Administrative Officer III	14
1	Administrative Assistant V	11
3	Administrative Officer I	10
1	Administrative Assistant IV	10
1	Administrative Assistant II	8
2	Administrative Assistant I	7
1	Administrative Aide III	3

Library Section

1	Librarian II	14
3	Librarian I	10
1	Administrative Assistant II	8
1	Administrative Aide III	3

Section 6. Office of the City Administrator. The City Administrator shall perform the enumerated functions under Section 480, Article Ten of R.A. 7160.

<i>No. of Positions</i>	<i>POSITION TITLE</i>	<i>Salary Grade</i>
1	City Administrator (City Gov't. Dept. Head II)	26
1	Asst. City Administrator (Operations) (City Gov't. Asst. Dept. Head II)	24
1	Asst. City Administrator (Administration) (City Gov't. Asst. Dept. Head II)	24
<i>MANAGEMENT STAFF COORDINATING DIVISION</i>		
1	Development Management Officer IV	22
1	Development Management Officer III	18
1	Computer Programmer III	18
2	Development Management Officer II	15
1	Economist II	15
2	Statistician II	15
2	Administrative Assistant VI	12
<i>ADMINISTRATIVE DIVISION</i>		
1	Supervising Administrative Officer	22
1	Administrative Officer V	18
1	Administrative Officer IV	15
1	Administrative Officer III	14
2	Senior Administrative Assistant I	13
2	Administrative Assistant VI	12
1	Security Officer I	11
1	Administrative Assistant IV	10
1	Administrative Assistant II	8
1	Administrative Assistant I	7
1	Administrative Aide VI	6
5	Administrative Aide IV	4
2	Administrative Aide III	3
<i>INTERNAL CONTROL DIVISION</i>		
1	Supervising Administrative Officer	22
2	Administrative Officer V	18
2	Administrative Officer IV	15
2	Administrative Officer II	11
2	Administrative Assistant II	8
1	Administrative Aide VI	6
1	Administrative Aide III	3
<i>DISASTER COORDINATING DIVISION</i>		
1	Development Management Officer IV	22
2	Development Management Officer III	18
1	Development Management Officer II	15
2	Development Management Officer I	11
1	Administrative Aide IV	4
1	Administrative Aide III	3

.ECONOMIC ENTERPRISE MANAGEMENT SERVICES

1	City Gov't. Asst. Dept. Head II (Economic Enterprise Manager)	24
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Economic Planning Services

1	Development Management Officer IV	22
1	Development Management Officer III	18

Amusement Places

1	Development Management Officer II	15
1	Development Management Officer I	11

Convention and Training Center

1	Development Management Officer II	15
1	Development Management Officer I	11
1	Administrative Aide VI	6
1	Administrative Aide IV	4
2	Administrative Aide III	3

Administrative Services

1	Administrative Officer V	18
1	Engineer II	16
3	Administrative Officer IV	15
1	Computer Programmer II	15
1	Administrative Officer III	14
2	Administrative Assistant VI	12
3	Administrative Officer I	10
1	Administrative Assistant IV	10
3	Administrative Assistant II	8
2	Administrative Assistant I	7
5	Administrative Aide VI	6
7	Administrative Aide V	5
8	Administrative Aide IV	4
7	Administrative Aide III	3

CITY INFORMATION TECHNOLOGY CENTER

1	Information Technology Officer II	22
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SYSTEMS DEVELOPMENT & MANAGEMENT DIVISION

1	Information Technology Officer II	22
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Systems Development Unit

1	Information Systems Analyst III	19
1	Information Systems Analyst II	16
2	Senior Administrative Assistant II	14
2	Administrative Assistant II	8

Programming Unit

1	Information Technology Officer 1	19
2	Computer Programmer III	18
2	Computer Programmer II	15

NETWORK FACILITIES MANAGEMENT DIVISION

1	Information Technology Officer II	22
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Network Administration Unit

1	Information Technology Officer 1	19
2	Senior Administrative Assistant II	14
2	Administrative Assistant VI	12

Computer Operations Support Unit

1	Information Technology Officer 1	19
2	Senior Administrative Assistant II	14
2	Administrative Assistant II	8
2	Administrative Assistant II	8

EDP Media Library Unit

1	Information Technology Officer 1	19
1	Computer Maintenance Technologist III	17
1	Computer File Librarian III	12

Microfilm Archival Unit

1	Information Systems Analyst III	19
1	Senior Administrative Assistant I	13
1	Administrative Assistant V	11
3	Administrative Assistant II	8
2	Computer File Librarian II	10

*COMPUTER EQUIPMENT, MAINTENANCE &
SYSTEMS ENGINEERING DIVISION*

1	Information Technology Officer II	22
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Computer Hardwares Maintenance Unit

1	Computer Maintenance Technologist III	17
2	Computer Maintenance Technologist II	15
1	Administrative Aide III	3

Cable Maintenance & Fabrication Unit

1	Computer Maintenance Technologist III	17
2	Computer Maintenance Technologist II	15
3	Administrative Aide III	3

Section 7. Human Resource Management Office. The Human Resource Management Officer shall perform the functions under the Personnel Officers Manual of the Civil Service Commission. ³

<i>No. of</i>	<i>POSITION TITLE</i>	<i>Salary Grade</i>
Positions		
1	City Gov't Dept. Head II	26
1	City Gov't. Asst. Dept. Head II	24
<i>ADMINISTRATIVE DIVISION</i>		
1	Supervising Administrative Officer	22
1	Administrative Officer V	18
1	Computer Programmer III	18
1	Administrative Officer III	14
3	Administrative Assistant VI	12
1	Administrative Assistant IV	10
1	Administrative Assistant II	8
1	Administrative Assistant I	7
1	Administrative Aide VI	6
3	Administrative Aide IV	4
2	Administrative Aide III	3
<i>PERSONNEL SELECTION & TRANSACTION DIVISION</i>		
1	Supervising Administrative Officer	22
1	Administrative Officer V	18
<i>Recruitment Selection & Placement Section</i>		
1	Administrative Officer IV	15
2	Administrative Officer II	11
1	Administrative Assistant II	8
<i>Appointment Preparation & Review Section</i>		
1	Administrative Officer IV	15
2	Administrative Officer II	11
1	Administrative Assistant II	8
<i>PERSONNEL BENEFITS AND WELFARE DIVISION</i>		
1	Supervising Administrative Officer	22
1	Administrative Officer V	18
<i>Employees Welfare and Benefit Section</i>		
1	Administrative Officer IV	15

³ Ordinance No. 2374, s.1994, otherwise known as "An Ordinance Approving the Organizational. Structure and Staffing Pattern of the City Government of Davao"

1	Administrative Officer II	11
2	Administrative Assistant II	8

Leave Administration Section

1	Administrative Officer IV	15
1	Administrative Officer II	11
2	Administrative Assistant II	8

HUMAN RESOURCE DEVELOPMENT DIVISION

1	Supervising Administrative Officer	22
1	Administrative Officer V	18

Training Programs Development & Administration Section

1	Administrative Officer IV	15
1	Administrative Officer II	11
2	Administrative Assistant V	11

Training Needs Assessment and Evaluation Section

1	Administrative Officer IV	15
1	Administrative Officer II	11
1	Administrative Assistant II	8

Personnel Relations Section

1	Administrative Officer IV	15
1	Administrative Officer II	11
1	Administrative Assistant II	8

PERSONNEL PLANNING & MANAGEMENT DIVISION

1	Supervising Administrative Officer	22
1	Administrative Officer V	18

Personnel Planning and Audit Section

1	Administrative Officer IV	15
1	Administrative Officer II	11
1	Administrative Assistant II	8

Performance Standard & Evaluation Section

1	Administrative Officer IV	15
1	Administrative Officer II	11
2	Administrative Assistant II	8

Section 8. **City Planning and Development Coordinator**. The City Planning and Development Coordinator shall perform the enumerated functions under Section 476, Article Six of R.A. 7160.

No. of Positions	POSITION TITLE	Salary Grade
1	City Planning & Dev't. Coordinator (City Gov't. Dept. Head II)	26
1	Asst. City Planning & Dev't. Coordinator (City Gov't. Asst. Dept. Head II)	24
ADMINISTRATIVE DIVISION		
1	Supervising Administrative Officer	22
1	Computer Programmer III	18
1	Administrative Officer III	14
6	Administrative Assistant VI	12
1	Administrative Aide VI	6
5	Administrative Aide IV	4
2	Administrative Aide III	3
PLANS AND PROGRAM DIVISION		
1	Planning Officer IV	22
1	Architect III	19
1	Engineer III	19
1	Planning Officer III	18
1	Economist III	18
4	Draftsman III	11
1	Planning Assistant	8
1	Administrative Assistant II	8
PROJECT EVALUATION DIVISION		
1	Project Evaluation Officer IV	22
1	Project Evaluation Officer III	18
3	Project Evaluation Officer II	15
3	Project Evaluation Assistant	8
RESEARCH AND STATISTICS DIVISION		
1	Economist IV	22
1	Statistician III	18
1	Statistician II	15
1	Development Management Officer II	15
2	Economic Researcher	9
1	Assistant Statistician	9

ZONING ENFORCEMENT DIVISION

1	Zoning Officer IV	22
1	Zoning Officer III	18
2	Zoning Officer II	15
4	Zoning Inspector II	8

HOUSING & HOMESITE DEVELOPMENT DIVISION

1	Development Management Officer IV	22
1	Development Management Officer III	18
4	Development Management Officer II	15
3	Development Management Officer I	11

INVESTMENT PROMOTION DIVISION

1	Economist IV	22
3	Economist III	18
1	Economist II	15
1	Economist I	11
1	Economic Researcher	9

Section 9. **City Civil Registrar.** The City Civil Registrar shall perform the enumerated functions under Section 479, Article Nine of R.A. 7160

No. of Positions	POSITION TITLE	Salary Grade
1	City Civil Registrar (City Gov't. Dept. Head II)	26
1	Asst. City Civil Registrar (City Gov't. Asst. Dept. Head II)	24

ADMINISTRATIVE DIVISION

1	<i>Supervising Administrative Officer</i>	22
1	Computer Programmer III	18
1	Administrative Officer IV	15
3	Administrative Assistant VI	12
2	Administrative Assistant I	7
2	Administrative Aide VI	6
3	Administrative Aide IV	4

BIRTH REGISTRATION DIVISION

1	<i>Registration Officer IV</i>	22
1	Registration Officer III	18
1	Assistant Registration Officer	8
2	Administrative Aide IV	4

MARRIAGE LICENSE DIVISION

1	Registration Officer IV	22
1	Registration Officer III	18
1	Assistant Registration Officer	8
2	Administrative Aide IV	4

DEATH & MISCELLANEOUS REGISTRATION DIVISION

1	Registration Officer IV	22
1	Registration Officer III	18
1	Assistant Registration Officer	8
2	Administrative Aide IV	4

DISTRICT REGISTRATION EXTENSION OFFICES

Toril District

1	Registration Officer II	14
1	Administrative Aide IV	4

Tugbok District

1	Registration Officer II	14
1	Administrative Aide IV	4

Calinan District

1	Registration Officer II	14
1	Administrative Aide IV	4

Baguio District

1	Registration Officer II	14
1	Administrative Aide IV	4

Marilog District

1	Registration Officer II	14
1	Administrative Aide IV	4

Buhangin District

1	Registration Officer II	14
1	Administrative Aide IV	4

Agdao District

1	Registration Officer II	14
1	Administrative Aide IV	4

Bunawan District

1	<i>Registration Officer II</i>	14
1	<i>Administrative Aide IV</i>	4

Paquibato District

1	<i>Registration Officer II</i>	14
1	<i>Administrative Aide IV</i>	4

Section 10. ***City General Services Office***. The City General Services Officer shall perform the functions under Section 490, Article Twenty of R.A. 7160

<i>No. of Positions</i>	<i>POSITION TITLE</i>	<i>Salary Grade</i>
1	City General Services Officer (City Gov't. Dept. Head II)	26
1	Asst. City General Services Officer (City Gov't. Asst. Dept. Head II)	24

ADMINISTRATIVE DIVISION

1	<i>Supervising Administrative Officer</i>	22
1	Administrative Officer V	18
1	Computer Programmer III	18
2	Administrative Assistant VI	12
1	Administrative Assistant II	8
5	Administrative Aide VI	6
4	Administrative Aide IV	4

RECORDS MANAGEMENT DIVISION (Archives)

1	<i>Supervising Administrative Officer</i>	22
1	Administrative Officer V	18
1	Administrative Officer III	14
2	Administrative Officer I	10
1	Administrative Assistant IV	10
1	Administrative Assistant I	7
2	Administrative Aide IV	4

SUPPLY AND PROPERTY DIVISION

1	<i>Supervising Administrative Officer</i>	22
1	Administrative Officer V	18

Supply Section

1	<i>Administrative Officer III</i>	14
1	Administrative Assistant V	11

2	Administrative Officer I	10
6	Administrative Assistant III	9
2	Administrative Aide VI	6

Property Section

1	<i>Administrative Officer III</i>	14
1	Administrative Assistant V	11
3	Administrative Officer I	10
2	Administrative Assistant III	9

GENERAL MAINTENANCE DIVISION

1	<i>Engineer IV</i>	22
1	Engineer III	19

Maintenance Section

1	<i>Engineer II</i>	16
1	Administrative Assistant IV	10
1	Administrative Assistant II	8
3	Administrative Aide V	5
1	Administrative Aide III	3

Streetlighting Section

1	<i>Engineer II</i>	16
1	Administrative Assistant V	11
2	Electrical Inspector II	8
1	Administrative Aide VI	6
1	Administrative Aide IV	4

Security Services

1	<i>Security Officer III</i>	18
1	Security Officer II	15
1	Security Officer I	11
1	Security Guard III	8
30	Security Guard II	5

Messengerial and Janitorial Services

50	<i>Administrative Aide III</i>	3
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Section 11. **City Budget Office.** The City Budget Officer shall perform the functions under Section 475, Article Five of R.A. 7160

<i>No. of Positions</i>	<i>POSITION TITLE</i>	<i>Salary Grade</i>
1	City Budget Officer (City Gov't. Dept. Head II)	26
1	Asst. City Budget Officer (City Gov't. Asst. Dept. Head II)	24

ADMINISTRATIVE SERVICES DIVISION

1	Supervising Administrative Officer	12
1	Administrative Assistant II	8
1	Administrative Assistant I	7
3	Administrative Aide IV	4

BUDGET OPERATIONS DIVISION

1	<i>Supervising Administrative Officer</i>	22
1	Administrative Officer V	18
4	Administrative Officer IV	15
3	Administrative Assistant II	8

BUDGET CONTROL & PROJECT MONITORING DIVISION

1	<i>Supervising Administrative Officer</i>	22
1	Administrative Officer V	18
1	Administrative Officer IV	15
1	Administrative Assistant II	8

BARANGAY BUDGET EVALUATION & SPECIAL PROJECT DIVISION

1	<i>Supervising Administrative Officer</i>	22
1	Administrative Officer V	18
1	Administrative Officer IV	15
1	Administrative Assistant II	8

Section 12. Office of the City Accountant. The City Accountant shall perform the enumerated functions under Section 474, Article Four of R.A. 7160

<i>No. of Positions</i>	<i>POSITION TITLE</i>	<i>Salary Grade</i>
1	City Accountant (City Gov't. Dept. Head II)	26
1	Asst. City Accountant (City Gov't. Asst. Dept. Head II)	24

ADMINISTRATIVE DIVISION

1	<i>Supervising Administrative Officer</i>	22
1	Administrative Officer V	18
1	Computer Programmer III	18
1	Administrative Officer III	14
4	Administrative Assistant VI	12
1	Administrative Aide VI	6
2	Administrative Aide IV	4

ACCOUNTING DIVISION

1	<i>Supervising Administrative Officer</i>	22
1	Administrative Officer V	18
6	Administrative Officer IV	15
4	Administrative Assistant III	10
2	Administrative Assistant III	9
6	Administrative Assistant II	8
12	Administrative Aide VI	6

INTERNAL AUDIT DIVISION

1	Supervising Administrative Officer	22
1	Administrative Officer V	18
2	Administrative Officer IV	15
3	Administrative Assistant II	8
4	Administrative Aide VI	6

FINANCIAL MANAGEMENT DIVISION

1	Supervising Administrative Officer	22
1	Administrative Officer V	18
2	Administrative Officer IV	15
2	Administrative Officer II	11
3	Administrative Assistant II	8

BARANGAY ACCOUNTING DIVISION

1	Supervising Administrative Officer	22
3	Administrative Officer IV	15
3	Administrative Assistant III	9
3	Administrative Assistant II	8

Section 13. **Office of the City Treasurer.** The City Treasurer shall perform the functions under Section 470, Article Two of R.A. 7160

<i>No. of Positions</i>	<i>POSITION TITLE</i>	<i>Salary Grade</i>
1	City Treasurer (City Gov't. Dept. Head II)	26
1	Asst. City Treasurer – (Adm.) (City Gov't. Asst. Dept. Head II)	24

1	Asst. City Treasurer – (Operations) (City Gov't. Asst. Dept. Head II)	24
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TREASURY OPERATIONS REVIEW UNIT

3	<i>Local Treasury Operations Officer IV</i>	22
4	Local Treasury Operations Officer III	18
4	Local Treasury Operations Officer II	15

ADMINISTRATIVE DIVISION

1	<i>Administrative Officer V</i>	18
1	Computer Programmer III	18
2	Administrative Officer III	14
3	Administrative Officer I	10
1	Administrative Assistant III	9
7	Administrative Aide VI	6
4	Security Guard II	5
3	Administrative Aide IV	4
8	Administrative Aide IV (Driver II)	4
2	Administrative Aide IV (Bookbinder II)	4
3	Administrative Aide III	3

CASH RECEIPTS DIVISION

1	<i>Local Revenue Collection Officer IV</i>	22
1	Local Revenue Collection Officer III	18
8	Local Revenue Collection Officer II	15
2	Administrative Assistant VI	12
12	Local Revenue Collection Officer I	11
3	Administrative Aide IV	4

CASH DISBURSEMENT DIVISION

1	Supervising Administrative Officer	22
1	Administrative Officer V	18
9	Administrative Officer III	14
1	Administrative Assistant VI	12
2	Administrative Assistant II	8

REAL ESTATE TAX DIVISION

1	<i>Local Treasury Operations Officer IV</i>	22
2	Local Treasury Operations Officer III	18
6	Administrative Assistant VI	12
8	Local Treasury Operations Officer I	11

TAXMAPPING AND COMPUTER DIVISION

1	<i>Local Treasury Operation Officer IV</i>	22
1	Computer Programmer III	18
2	Administrative Assistant VI	12

BUSINESS TAX, AMUSEMENT & LICENSE DIVISION

1	<i>Local Treasury Operations Officer IV</i>	22
1	Local Treasury Operations Officer III	18
3	Local Treasury Operations Officer II	15
3	Local Treasury Operations Officer I	11
1	Local Revenue Collection Officer 1	11

Bankerohan Public Market

1	<i>Local Revenue Collection Officer III</i>	18
2	Local Revenue Collection Officer II	15
6	Local Revenue Collection Officer I	11
4	Revenue Collection Clerk 1	5

Davao City Overland Transport Terminal

1	Local Revenue Collection Officer III	18
1	Local Revenue Collection Officer II	15
3	Local Revenue Collection Officer I	11
4	Revenue Collection Clerk 1	5
143	Ticket Checker	3

Ma-a Slaughterhouse

1	Local Revenue Collection Officer III	18
3	Local Revenue Collection Officer I	11
3	Revenue Collection Clerk 1	5

Talomo District

1	<i>Local Treasury Operations Officer IV</i>	22
1	Local Treasury Operations Officer III	18
2	Local Revenue Collection Officer II	15
2	Local Treasury Operations Officer I	11
2	Local Revenue Collection Officer I	11
3	Revenue Collection Clerk 1	5
1	Administrative Aide IV	4

New Matina Public Market

1	<i>Local Revenue Collection Officer II</i>	15
3	Local Revenue Collection Officer I	11
2	Revenue Collection Clerk 1	5

Toril District

1	<i>Local Treasury Operations Officer IV</i>	22
1	Local Treasury Operations Officer III	18
1	Local Revenue Collection Officer II	15
2	Local Revenue Collection Officer I	11
2	Revenue Collection Clerk 1	5

Toril Public Market

1	Local Revenue Collection Officer II	15
2	Local Revenue Collection Officer I	11
3	Revenue Collection Clerk I	5

Tugbok District

1	Local Treasury Operations Officer III	18
1	Local Revenue Collection Officer II	15
3	Revenue Collection Clerk I	5

Mintal Public Market

1	Local Revenue Collection Officer II	15
3	Local Revenue Collection Officer I	11
2	Revenue Collection Clerk I	5

Calinan District

1	Local Treasury Operation Officer IV	22
1	Local Treasury Operation Officer III	18
1	Local Revenue Collection Officer II	15
1	Local Treasury Operations Officer I	11
1	Local Revenue Collection Officer I	11
3	Revenue Collection Clerk I	5
1	Administrative Aide IV	4

Calinan Public Market

1	Local Revenue Collection Officer II	15
3	Local Revenue Collection Officer I	11
2	Revenue Collection Clerk I	5

Baguio District

1	Local Treasury Operations Officer III	18
1	Local Treasury Operations Officer II	15
1	Local Treasury Operations Officer I	11
2	Local Revenue Collection Officer I	11
2	Revenue Collection Clerk I	5

Marilog District

1	Local Treasury Operations Officer III	18
2	Local Revenue Collection Officer I	11
2	Revenue Collection Clerk I	5

Agdao District

1	Local Treasury Operations Officer IV	22
1	Local Treasury Operations Officer III	18
1	Local Treasury Operations Officer I	11
2	Local Revenue Collection Officer I	11
2	Revenue Collection Clerk I	5

Agdao Public Market

1	<i>Local Revenue Collection Officer II</i>	15
5	<i>Local Revenue Collection Officer I</i>	11
3	<i>Revenue Collection Clerk I</i>	5

Buhangin District

1	<i>Local Treasury Operations Officer IV</i>	22
1	<i>Local Treasury Operations Officer III</i>	18
2	<i>Local Treasury Operations Officer II</i>	15
1	<i>Local Treasury Operations Officer I</i>	11
3	<i>Local Revenue Collection Officer I</i>	11
6	<i>Revenue Collection Clerk I</i>	5
1	<i>Administrative Aide IV</i>	4

Bunawan District

1	<i>Local Treasury Operations Officer IV</i>	22
1	<i>Local Treasury Operations Officer III</i>	18
1	<i>Local Revenue Collection Officer II</i>	15
4	<i>Local Revenue Collection Officer I</i>	11
3	<i>Revenue Collection Clerk I</i>	5

Tibungco Public Market

1	<i>Local Revenue Collection Officer II</i>	15
2	<i>Local Revenue Collection Officer I</i>	11
1	<i>Revenue Collection Clerk I</i>	5

Lasang Public Market

1	<i>Local Revenue Collection Officer II</i>	15
1	<i>Local Revenue Collection Officer I</i>	11
1	<i>Revenue Collection Clerk I</i>	5

Paquibato District

1	<i>Local Treasury Operations Officer III</i>	18
1	<i>Local Revenue Collection Officer I</i>	11
3	<i>Revenue Collection Clerk I</i>	5

Section 14. **Office of the City Assessor.** The City Assessor shall perform the enumerated functions under Section 472, Article Three of R.A. 7160

<i>No. of Positions</i>	<i>POSITION TITLE</i>	<i>Salary Grade</i>
1	City Assessor (City Gov't. Dept. Head II)	26
1	Asst. City Assessor (City Gov't. Asst. Dept. Head II)	24
<i>ADMINISTRATIVE DIVISION</i>		
1	Supervising Administrative Officer	22
1	Administrative Officer V	18
1	Computer Programmer III	18
2	Administrative Aide VI	6
4	Administrative Aide IV	4
<i>RECORDS MANAGEMENT DIVISION</i>		
1	Local Assessment Operations Officer IV	22
1	Local Assessment Operations Officer III	18
3	Administrative Assistant VI	12
4	Administrative Aide IV	4
<i>TAXMAPPING OPERATIONS DIVISION</i>		
1	Taxmapper IV	22
1	Taxmapper III	18
2	Taxmapper II	15
1	Taxmapper I	11
2	Draftsman II	8
1	Tax Mapping Aide	4
<i>ASSESSMENT OPERATIONS EVALUATION DIVISION</i>		
1	Local Assessment Operations Officer IV	22
1	Local Assessment Operations Officer III	18
3	Local Assessment Operations Officer II	15
1	Statistician II	15
3	Local Assessment Operations Officer I	11
4	Assessment Clerk II	6
1	Statistician Aide	4

Toril District

1	Local Assessment Operations Officer IV	22
1	Local Assessment Operations Officer 1	11
1	Assessment Clerk II	6

Tugbok District

1	Local Assessment Operations Officer III	18
1	Local Assessment Operations Officer 1	11
1	Assessment Clerk II	6

Bunawan District

1	Local Assessment Operations Officer IV	22
1	Local Assessment Operations Officer 1	11
1	Assessment Clerk II	6

Calinan District

1	Local Assessment Operations Officer IV	22
1	Local Assessment Operations Officer 1	11
1	Assessment Clerk II	6

Baguio District

1	Local Assessment Operations Officer III	18
1	Local Assessment Operations Officer 1	11
1	Assessment Clerk II	6

Marilog District

1	Local Assessment Operations Officer III	18
1	Local Assessment Operations Officer 1	11
1	Assessment Clerk II	6

Paquibato District

1	Local Assessment Operations Officer III	18
1	Local Assessment Operations Officer 1	11
1	Assessment Clerk II	6

Agdao District

1	Local Assessment Operations Officer IV	22
1	Local Assessment Operations Officer 1	11
1	Assessment Clerk II	6

Buhangin District

1	Local Assessment Operations Officer IV	22
1	Local Assessment Operations Officer 1	11
1	Assessment Clerk II	6

Section 15. **City Legal Office.** The City Legal Officer shall perform the enumerated functions under Section 481, Article Eleven of R.A. 7160

<i>No. of Positions</i>	<i>POSITION TITLE</i>	<i>Salary Grade</i>
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1	<i>City Legal Officer</i> (City Gov't. Dept. Head II)	26
1	Asst. City Legal Officer (City Gov't. Asst. Dept. Head II)	24

ADMINISTRATIVE SERVICES DIVISION

1	Supervising Administrative Officer***	22
1	Computer Programmer III	18
1	Administrative Assistant III***	9
1	Administrative Aide VI***	6
4	Administrative Aide IV***	4
2	Administrative Aide III***	3

Records & Communications Section

1	Administrative Officer III***	14
1	Administrative Officer I***	10
2	Administrative Assistant VI***	12
1	Administrative Aide VI***	6
1	Administrative Assistant I****	7
1	Administrative Aide IV***	4
2	Administrative Aide III***	3

TRIAL DIVISION

1	Legal Officer IV**	22
1	Legal Officer IV	22
1	Legal Officer III	20
1	Administrative Assistant V***	11
1	Legal Aide	5

INVESTIGATION AND RESEARCH DIVISION

1	Legal Officer IV**	22
1	Legal Officer IV	22
2	Legal Officer III	20
1	Administrative Assistant V***	11
1	Legal Aide	5

LEGAL ASSISTANCE DIVISION

1	Legal Officer IV**	22
1	Legal Officer IV	22

1	Legal Officer III	20
1	Administrative Assistant V***	11
1	Legal Aide	5

TRANSPORTATION REGULATION DIVISION

1	Legal Officer V	24
1	Supervising Transportation Regulation Officer	22
1	Senior Transportation Regulation Officer	18
1	Transportation Regulation Officer II	15
1	Transportation Regulation Officer I	11
2	Administrative Assistant V***	11

LAW ENFORCEMENT DIVISION

1	Legal Officer IV**	22
1	Legal Officer IV	22
1	Legal Officer III	20
1	Administrative Assistant V***	11
1	Legal Aide	5

LEGEND:

- ** = Downgraded as per DBM Review dated 7/23/2003
- *** = Reallocation of Position pursuant to DBM Budget Circular #2004-3 dated March 6, 2004
- **** = Reallocation of Position pursuant to DBM Budget Circular #2004-3 dated March 6, 2004

Section 16. ***City Health Office.*** The City Health Officer shall perform the enumerated functions under Section 478, Article Eight of R.A. 7160

<i>No. of Positions</i>	<i>POSITION TITLE</i>	<i>Salary Grade</i>
1	City Health Officer (City Gov't. Dept. Head II)	26
1	Asst. City Health Officer (Admin.) (City Gov't. Asst. Dept. Head II)	24
1	Asst. City Health Officer (Operations) (City Gov't. Asst. Dept. Head II)	24

ADMINISTRATIVE DIVISION

1	Supervising Administrative Officer***	22
1	Administrative Officer V***	18
1	Computer Programmer III	18
1	Statistician II	15

1	Administrative Officer III***	14
2	Administrative Assistant VI***	12
1	Administrative Assistant III	9
3	Administrative Aide VI***	6
1	Statistician Aide	4
9	Administrative Aide IV***	4
1	Administrative Aide III***	3

NUTRITION DIVISION

1	Nutrition Officer IV	22
1	Nutrition Officer III	18
2	Nutrition Officer II	14
2	Nutritionist-Dietitian I	10
1	Assistant Nutritionist-Dietitian	7

DISTRICT OFFICES

14	Nutrition Officer II	14
7	Nutritionist-Dietitian I	10
11	Administrative Aide IV***	4

HEALTH PROGRAM DEVELOPMENT DIVISION

1	<i>Rural Health Physician</i>	24
1	Health Education and Promotion Officer III	18
1	Health Education and Promotion Officer II	14
2	Health Education and Promotion Officer I	10
2	Population Program Worker II	7

SPECIAL HEALTH SERVICES

Dispensary Clinic

1	Rural Health Physician	24
1	Public Health Nurse III	19
1	Public Health Nurse II	16
2	Nursing Attendant I	4

City Morgue

1	Rural Health Physician	24
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MEDICAL LABORATORY AND SOCIAL HYGIENE DIVISION

1	Rural Health Physician	24
1	Medical Officer V	22
1	Medical Technologist III	18
2	Public Health Nurse II	16
8	Medical Technologist II	15
2	Medical Laboratory Technician II	8
2	Laboratory Aide II	4

TECHNICAL SERVICES DIVISION

1	Rural Health Physician	24
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Medical Dental Section

1	Dentist IV	22
1	Dental Aide	4

Tropical Disease Control Section

1	Rural Health Physician	24
1	Medical Technologist II	15
5	Pest Control Worker II	6
2	Laboratory Aide II	4

Environmental Sanitation Section

1	Engineer III	19
1	Sanitation Inspector III	11
1	Sanitation Inspector II	8

Food and Drug Inspection Section

1	Sanitation Inspector VI	18
1	Sanitation Inspector V	15

DISTRICT OFFICES

(Districts A, B, C & D)

4	Rural Health Physician	24
4	Dentist IV	22
4	Public Health Nurse III	19
4	Public Health Nurse II	16
4	Medical Technologist II	15
4	Midwife IV	13
8	Midwife III	11
4	Sanitation Inspector III	11
8	Midwife II	8
4	Sanitation Inspector II	8
4	Dental Aide	4
4	Laboratory Aide II	4

Agdao District

1	Rural Health Physician	24
1	Dentist IV	22
1	Public Health Nurse III	19
1	Public Health Nurse II	16
1	Medical Technologist II	15
1	Midwife IV	13
2	Midwife III	11

1	Sanitation Inspector III	11
2	Midwife II	8
1	Sanitation Inspector	8
1	Dental Aide	4
1	Laboratory Aide II	4

Buhangin District

1	Rural Health Physician	24
1	Dentist IV	22
1	Medical Officer V	22
1	Dentist III	19
1	Public Health Nurse III	19
2	Public Health Nurse II	16
1	Medical Technologist II	15
2	Midwife IV	13
4	Midwife III	11
1	Sanitation Inspector III	11
2	Midwife II	8
2	Sanitation Inspector II	8
2	Dental Aide	4
2	Laboratory Aide II	4

Bunawan District

1	Rural Health Physician	24
1	Dentist IV	22
1	Public Health Nurse III	19
2	Public Health Nurse II	16
1	Medical Technologist II	15
5	Midwife III	11
1	Midwife II	8
1	Sanitation Inspector II	8
1	Dental Aide	4
1	Laboratory Aide II	4

Paquibato District

1	Rural Health Physician	24
1	Dentist IV	22
1	Public Health Nurse III	19
1	Public Health Nurse II	16
1	Medical Technologist II	15
1	Midwife IV	13
2	Midwife III	11
1	Midwife II	8
1	Sanitation Inspector II	8
1	Dental Aide	4
1	Laboratory Aide II	4

Talomo District

1	Rural Health Physician	24
1	Dentist IV	22
1	Medical Officer V	22

1	Dentist III	19
1	Public Health Nurse III	19
2	Public Health Nurse II	16
1	Medical Technologist II	15
2	Midwife IV	13
4	Midwife III	11
1	Sanitation Inspector III	11
1	Midwife II	8
2	Sanitation Inspector II	8
2	Dental Aide	4
2	Laboratory Aide II	4

Toril District

1	Rural Health Physician	24
1	Dentist IV	22
1	Medical Officer V	22
1	Public Health Nurse III	19
3	Public Health Nurse II	16
1	Medical Technologist II	15
1	Midwife IV	13
7	Midwife III	11
1	Sanitation Inspector III	11
1	Midwife II	8
2	Sanitation Inspector II	8
1	Dental Aide	4
1	Laboratory Aide II	4

Tugbok District

1	Rural Health Physician	24
1	Dentist IV	22
1	Public Health Nurse III	19
2	Public Health Nurse II	16
1	Medical Technologist II	15
5	Midwife III	11
1	Midwife II	8
1	Sanitation Inspector II	8
1	Dental Aide	4
1	Laboratory Aide II	4

Calinan District

1	Rural Health Physician	24
1	Dentist IV	22
1	Public Health Nurse III	19
2	Public Health Nurse II	16
1	Medical Technologist II	15
5	Midwife III	11
1	Midwife II	8
1	Sanitation Inspector II	8
1	Dental Aide	4
1	Laboratory Aide II	4

Baguio District

1	Rural Health Physician	24
1	Dentist IV	22
1	Public Health Nurse III	19
1	Public Health Nurse II	16
1	Medical Technologist II	15
1	Midwife IV	13
2	Midwife III	11
1	Sanitation Inspector III	11
2	Midwife II	8
1	Sanitation Inspector II	8
1	Dental Aide	4
1	Laboratory Aide II	4

Marilog District

1	Rural Health Physician	24
1	Dentist IV	22
1	Public Health Nurse III	19
1	Public Health Nurse II	16
1	Medical Technologist II	15
1	Midwife IV	13
2	Midwife III	11
1	Sanitation Inspector III	11
1	Midwife II	8
1	Sanitation Inspector II	8
1	Dental Aide	4
1	Laboratory Aide II	4

PAQUIBATO DISTRICT HOSPITAL

1	Chief of Hospital	24
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ADMINISTRATIVE SERVICES

1	Administrative Officer IV	15
1	Nutritionist-Dietitian I	10
1	Administrative Assistant III	9
1	Administrative Aide VI	6
1	Cook II	5
2	Administrative Aide IV	4
2	Administrative Aide III	3
1	Laundry Worker II	3

MEDICAL SERVICES

1	Medical Officer V	22
1	Medical Technologist II	15
1	Pharmacist III	14
1	Medical Equip. Technician III	11
1	Laboratory Aide II	4

NURSING SERVICES

1	<i>Nurse IV</i>	18
3	<i>Nurse III</i>	16
3	Nursing Attendant I	4

SPECIAL HEALTH SERVICES

CHEST CLINIC

1	<i>Medical Officer VI (*a)</i>	24
1	Public Health Nurse II	16
2	<i>Medical Equipment Technician II</i>	8
1	Medical Laboratory Technician I	6
1	Laboratory Aide II	4
1	Administrative Aide IV***	4

LEGEND:

(*a) = Change of Position pursuant to DBM Budget Circular #2004-3 dated March 6, 2004

*** = Reallocation of Position pursuant to DBM Budget Circular #2004-3 dated March 6, 2004 (Personnel Schedule Budget 2005)

FAMILY PLANNING SERVICES

Population Division

1	<i>Population Program Officer IV</i>	22
1	Population Program Officer III	18
2	Population Program Officer II	15
3	Population Program Worker II	7

DISTRICT OFFICES

14	Population Program Officer II	15
28	Population Program Worker II	7

Section 17. City Social Services and Development Office. The City Social Services & Development Officer shall perform the enumerated functions under Section 483, Article Thirteen of R.A. 7160

<i>No. of Positions</i>	<i>POSITION TITLE</i>	<i>Salary Grade</i>
1	<i>City Social Welfare & Dev. Officer</i> (City Gov't. Dept. Head II)	26
1	City Asst. Social Welfare & Dev. Officer (City Gov't. Asst. Dept. Head II)	24

ADMINISTRATIVE DIVISION

1	<i>Supervising Administrative Officer</i>	22
1	Computer Programmer III	18
1	Statistician II	15
1	Administrative Officer III	14
2	Administrative Assistant VI	12
1	Administrative Assistant III	9
4	Administrative Aide IV	4
1	Administrative Aide III	3

SOCIAL WELFARE SERVICES DIVISION

1	Social Welfare Officer IV	22
1	Social Welfare Officer III	18

Community Welfare Section

1	Social Welfare Officer II	15
1	Social Welfare Officer I	11
2	Social Welfare Assistant	8

Family & Women Section

1	Social Welfare Officer II	15
1	Social Welfare Officer I	11
2	Social Welfare Assistant	8

Child & Youth Section

1	Social Welfare Officer II	15
1	Social Welfare Officer I	11
2	Social Welfare Aide	4

Disabled & Elderly Section

1	Social Welfare Officer II	15
1	Social Welfare Officer I	11
2	Social Welfare Aide	4

Emergency Assistance and Special Concerns Section

1	Social Welfare Officer II	15
1	Social Welfare Officer I	11
2	Social Welfare Assistant	8

DISTRICT OFFICES

12	<i>Social Welfare Officer III</i>	18
24	Social Welfare Assistant	8

PRE-SCHOOLERS DIVISION

1	<i>Youth Development Officer IV</i>	22
1	<i>Youth Development Officer III</i>	18
1	<i>Youth Development Officer II</i>	14
2	<i>Administrative Aide IV</i>	4

*DISTRICT OFFICES
CITY A – C*

9	<i>Day Care Worker II</i>	8
3	<i>Day Care Worker I</i>	6

CITY B – D

24	<i>Day Care Worker II</i>	8
3	<i>Day Care Worker I</i>	6

Agdao District

8	<i>Day Care Worker II</i>	8
3	<i>Day Care Worker I</i>	6

Baguio District

1	<i>Day Care Worker II</i>	8
3	<i>Day Care Worker I</i>	6

Buhangin District

23	<i>Day Care Worker II</i>	8
3	<i>Day Care Worker I</i>	6

Bunawan District

13	<i>Day Care Worker II</i>	8
3	<i>Day Care Worker I</i>	6

Calinan District

10	<i>Day Care Worker II</i>	8
3	<i>Day Care Worker I</i>	6

Marilog District

5	<i>Day Care Worker II</i>	8
3	<i>Day Care Worker I</i>	6

Paquibato District

1	<i>Day Care Worker II</i>	8
3	<i>Day Care Worker I</i>	6

Talomo District

24	<i>Day Care Worker II</i>	8
3	<i>Day Care Worker I</i>	6

Toril District

19	<i>Day Care Worker II</i>	8
3	<i>Day Care worker I</i>	6

Tugbok District

13	<i>Day Care Worker II</i>	8
3	<i>Day Care Worker I</i>	6

Section 18. **Office of the City Agriculturist.** The City Agriculturist shall perform the enumerated functions under Section 482, Article Twelve of R.A. 7160

<i>No. of Positions</i>	<i>POSITION TITLE</i>	<i>Salary Grade</i>
1	<i>City Agriculturist</i>	26
1	<i>(City Gov't. Dept. Head II)</i> <i>Asst. City Agriculturist</i> <i>(City Gov't. Asst. Dept. Head II)</i>	24

ADMINISTRATIVE DIVISION

1	<i>Supervising Administrative Officer</i>	22
1	<i>Administrative Officer V</i>	18
1	<i>Computer Programmer III</i>	18
2	<i>Administrative Officer III</i>	14
3	<i>Administrative Assistant VI</i>	12
1	<i>Administrative Assistant I</i>	7
2	<i>Administrative Aide VI</i>	6
11	<i>Administrative Aide IV</i>	4
3	<i>Administrative Aide III</i>	3

FARM DEVELOPMENT & FISHERY REGULATORY SERVICES DIVISION

1	<i>Supervising Agriculturist</i>	22
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Farm Development Services

1	<i>Senior Agriculturist</i>	18
4	<i>Agriculturist II</i>	15

Fishery Regulatory Services

1	Senior Aquaculturist	18
4	Aquaculturist II	15
2	Special Agent II	10
2	Special Agent I	8

HOME MANAGEMENT DEVELOPMENT SERVICES DIVISION

1	<i>Supervising Home Management Specialist</i>	22
1	Senior Home Management Specialist	18
8	Agriculturist II	15

SEEDBANK & RESEARCH DIVISION

1	Supervising Agriculturist	22
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Research Development Services

1	Senior Agriculturist	18
2	Agriculturist II	15
1	Aquaculturist I	11
2	Aquacultural Technologist	10

DISTRICT OFFICES

Buhangin District

1	Municipal Agricultural Officer	20
11	Agricultural Technologist	10

Bunawan District

1	Municipal Agricultural Officer	20
8	Agricultural Technologist	10

Paquibato District

1	Municipal Agricultural Officer	20
8	Agricultural Technologist	10

Talomo District

1	Municipal Agricultural Officer	20
8	Agricultural Technologist	10

Toril District

1	Municipal Agricultural Officer	20
14	Agricultural Technologist	10

Tugbok District

1	Municipal Agricultural Officer	20
14	Agricultural Technologist	10

Calinan District

1	Municipal Agricultural Officer	20
13	Agricultural Technologist	10

Baguio District

1	Municipal Agricultural Officer	20
7	Agricultural Technologist	10

Marilog District

1	Municipal Agricultural Officer	20
9	Agricultural Technologist	10

Seedbank (Nursery) Services

1	Senior Agriculturist	18
2	Agriculturist II	15
1	Aquaculturist II	15
2	Farm Supervisor	8
12	Administrative Aide III	3

Section 19. Office of the City Veterinarian. The City Veterinarian shall perform the enumerated functions under Section 489, Article Nineteen of R.A. 7160.

No. of Positions	POSITION TITLE	Salary Grade
1	City Veterinarian (City Gov't. Dept. Head II)	26
1	Asst. City Veterinarian (City Gov't. Asst. Dept. Head II)	24

ADMINISTRATIVE DIVISION

1	Supervising Administrative Officer	22
1	Administrative Officer V	18
1	Computer Programmer III	18
2	Administrative Assistant VI	12
1	Administrative Aide VI	6
4	Administrative Aide IV	4
1	Administrative Aide III	3

MEAT, LIVESTOCK & FISH INSPECTION DIVISION

1	<i>Veterinarian IV</i>	22
1	Veterinarian III	19
1	Senior Aquaculturist	18
2	Meat Control Officer II	16
2	Meat Control Officer I	13
4	Meat Inspector III	11
6	Meat Inspector II	8
4	Aquacultural Technician II	8

ANIMAL HUSBANDRY & DISEASE CONTROL DIVISION

1	<i>Veterinarian IV</i>	22
1	Agricultural Center Chief I	18

Animal Husbandry Section

1	<i>Veterinarian II</i>	16
13	Meat Inspector III	11
4	Livestock Inspector II	8
2	Farm Worker II	4
2	Administrative Aide III	3

*Animal Disease Control Section
(Including City Pound)*

1	<i>Veterinarian II</i>	16
2	Meat Inspector III	11
1	Animal Keeper III	9
4	Livestock Inspector II	8
1	Animal Keeper II	6
1	Administrative Aide III	3

RESEARCH AND LABORATORY DIVISION

1	<i>Veterinarian IV</i>	22
1	Medical Technologist II	15
1	Statistician II	15
1	Statistician I	11
1	Medical Laboratory Technician III	10
1	Medical Laboratory Technician II	8
2	Laboratory Aide II	4

Section 20. City Environment & Natural Resources Office. The City Environment & Natural Resources Officer shall perform the enumerated functions under Section 484, Article Fourteen of R.A. 7160.

No. of Positions	POSITION TITLE	Salary Grade
1	City Environment & Natural Res. Officer (City Gov't. Dept. Head II)	26
1	Asst. City Environment & Natural Res. Ofcr. (City Gov't. Asst. Dept. Head II)	24

ADMINISTRATIVE DIVISION

1	Supervising Administrative Officer	22
1	Computer Programmer III	18
1	Administrative Officer III	14
1	Administrative Assistant VI	12
2	Administrative Aide VI	6
3	Administrative Aide IV	4
2	Administrative Aide III	3

NATURAL RESOURCES OPERATIONS DIVISION

1	Supervising Environmental Mgt. Specialist	22
1	Senior Environmental Mgt. Specialist	18

Upland Community Project and Forest Management Section

1	Development Management Officer II	15
1	Development Management Officer I	11
2	Environmental Mgt. Specialist I	11
3	Community Development Assistant II	9
9	Community Development Assistant I	7

Mines and Geo-Sciences Section

1	Environmental Mgt. Specialist II	15
2	Environmental Mgt. Specialist I	11
1	Mining Claims Examiner I	10
1	Community Development Assistant I	7

Research Information Education and Extension Section

1	Environmental Mgt. Specialist II	15
2	Environmental Mgt. Specialist I	11
1	Economic Researcher****	9

Integrated Protected Area Section

1	Environmental Mgt. Specialist II	15
2	Environmental Mgt. Specialist I	11

Sanitary Services

1	Engineer 1	12
2	Administrative Assistant II****	8
7	Administrative Aide VI****	6

Solid Waste Management Section

1	<i>Environmental Mgt. Specialist II</i>	15
1	Engineer 1	12
2	Environmental Mgt. Specialist 1	11
3	Administrative Assistant II****	8
2	Heavy Equipment Operator II	6
3	Administrative Aide VI****	6
50	Administrative Aide IV***	4

ENVIRONMENTAL & WASTE MANAGEMENT DIVISION

1	Supervising Environmental Mgt. Specialist	22
1	Senior Environmental Mgt. Specialist	18

Pollution Management Section

1	<i>Environmental Mgt. Specialist II</i>	15
2	Engineer 1	12
1	Environmental Mgt. Specialist 1	11

Industrial Waste Management Section

1	<i>Environmental Mgt. Specialist II</i>	15
3	Engineer 1	12
1	Environmental Mgt. Specialist 1	11

PARKS AND PLAYGROUNDS DEVELOPMENT DIVISION

1	<i>Engineer IV</i>	22
1	Engineer II	16
1	Architect 1	12
3	Administrative Assistant II****	8
5	Administrative Aide VI****	6
1	Environmental Mgt. Specialist II	15
3	Environmental Mgt. Specialist 1	11
1	Engineer III	19
1	Engineer 1	12

Section 21. **Office of the City Engineer.** The City Engineer shall perform the enumerated functions under Section 477, Article Seven of R.A. 7160

<i>No. of Positions</i>	<i>POSITION TITLE</i>	<i>Salary Grade</i>
1	City Engineer (City Gov't. Dept. Head II)	26
2	Asst. City Engineer (City Gov't. Asst. Dept. Head II)	24

ADMINISTRATIVE DIVISION

1	<i>Supervising Administrative Officer</i>	22
1	Administrative Officer V	18
1	Computer Operator III	18
1	Administrative Officer III	14
3	Administrative Assistant VI	12
1	Administrative Officer I	10
1	Administrative Assistant IV	10
4	Administrative Assistant II	8
2	Administrative Aide VI	6
11	Administrative Aide IV	4

PLANNING, DESIGN, PROGRAMMING & SURVEY/INVESTIGATION DIVISION

1	<i>Engineer IV</i>	22
1	Engineer III	19

Planning, Design & Programming Section

1	<i>Architect III</i>	19
3	Engineer II	16
3	Draftsman III	11
3	Engineering Assistant	8

Survey & Investigation Section

1	<i>Engineer III</i>	19
1	Engineer II	16
2	Special Agent II	10
6	Engineering Assistant	8
3	Instrumentman	5

MATERIAL TESTING & QUALITY CONTROL DIVISION

1	Engineer IV	22
1	Engineer III	19
3	Engineer II	16
4	Laboratory Technician II	8
2	Laboratory Aide	4

BUILDING PERMIT DIVISION

1	Engineer IV	22
1	Engineer III	19
3	Engineer II	16
1	Architect II	16
8	Building Inspector	11

INDUSTRIAL SAFETY DIVISION

1	Engineer IV	22
1	Engineer III	19
3	Engineer II	16
2	Engineer I	12
3	Engineering Assistant	8

ELECTRICAL ENGINEERING DIVISION

1	Engineer IV	22
1	Engineer III	19
3	Engineer II	16
3	Electrical Inspector II	8
3	Administrative Aide VI	6

WATER RESOURCES DIVISION

1	Engineer IV	22
1	Engineer III	19
1	Engineering Assistant	8
2	Administrative Assistant II	8
6	Administrative Aide V	5

CONSTRUCTION DIVISION

1	Engineer IV	22
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First District

1	Engineer III	19
1	Construction & Maintenance Gen. Foreman	11
1	Administrative Assistant IV	10
1	Administrative Assistant II	8

Second District

1	Engineer III	19
1	Construction & Maintenance Gen. Foreman	11
1	Administrative Assistant IV	10

Third District

1	Engineer III	19
1	Construction & Maintenance Gen. Foreman	11
1	Administrative Assistant IV	10

MAINTENANCE DIVISION

1	<i>Engineer IV</i>	22
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First District

1	<i>Engineer III</i>	19
1	<i>Const. & Maintenance Gen. Foreman</i>	11
7	<i>Construction & Maintenance Foreman</i>	8

Second District

1	<i>Engineer III</i>	19
1	<i>Const. & Maintenance Gen. Foreman</i>	11
5	<i>Construction & Maintenance Foreman</i>	8

Third District

1	<i>Engineer III</i>	19
1	<i>Const. of Maintenance & Gen. Foreman</i>	11
6	<i>Construction & Maintenance Foreman</i>	8

MOTORPOOL DIVISION

1	Engineer IV	22
1	Engineer III	19
2	Engineer II	16
1	Senior Administrative Assistant****	13
1	Administrative Assistant V***	11
1	Administrative Assistant III***	9
3	Administrative Assistant III****	9

1	Machinist III	9
2	Automotive Equipment Inspector II	11
2	Adm. Assistant VI (Motorpool Dispatcher)***	6
3	Welder II	6
12	Administrative Aide VI****	6
2	Administrative Aide VI (Electrician II)****	6

DAVAO CITY OVERLAND TRANSPORT TERMINAL

1	Supervising Trans. Regulation Officer	22
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Terminal Operation Section

1	Senior Trans. Regulation Officer	18
3	Transportation Regulation Officer II	15
1	Administrative Aide IV***	4

Security Services

3	Security Guard III	8
12	Security Guard II	5

OPERATION OF SLAUGHTERHOUSE

1	Slaughterhouse Master IV	22
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Operations Services

1	Slaughterhouse Master III	18
1	Slaughterhouse Master I	10
3	Market Inspector I	6
2	Administrative Aide VI****	6
6	Animal Keeper II	6
10	Administrative Aide IV***	4

Maintenance Services

1	Engineer III	19
1	Engineer II	16
1	Administrative Assistant II****	8
4	Administrative Aide VI****	6
12	Security Guard II	6
7	Administrative Aide IV***	4

OPERATION OF DAVAO MARKETS

Market Operations

1	Market Supervisor IV	22
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Bankerohan Public Market

1	Market Supervisor III	18
1	Market Inspector II	8
1	Security Guard III	8
4	Market Inspector I	6
1	Administrative Aide VI***	6
15	Security Guard II	5
2	Administrative Aide IV***	4
1	Administrative Aide III***	3

Toril Public Market

1	Market Supervisor III	18
1	Market Inspector II	8
1	Security Guard III	8
3	Market Inspector I	6
1	Administrative Aide VI***	6
12	Security Guard II	5
2	Administrative Aide IV***	4
1	Administrative Aide III***	3

Mintal Public Market

1	Market Supervisor III	18
1	Market Inspector II	8
1	Security Guard III	8
2	Market Inspector I	6
1	Administrative Aide VI***	6
5	Security Guard II	5
1	Administrative Aide III***	3

Calinan Public Market

1	Market Supervisor III	18
1	Market Inspector II	8
1	Security Guard III	8
2	Market Inspector I	6
1	Administrative Aide VI***	6
12	Security Guard II	5
1	Administrative Aide IV***	4
1	Administrative Aide III***	3

New Matina Market & Food Terminal

1	Market Supervisor II	14
1	Market Inspector II	8
1	Security Guard III	8
2	Market Inspector I	6
1	Administrative Aide VI***	6
6	Security Guard II	5
2	Administrative Aide IV***	4
1	Administrative Aide III***	3

Agdao Public Market

1	Market Supervisor III	18
1	Market Inspector II	8
1	Security Guard III	8
4	Market Inspector I	6
1	Administrative Aide VI***	6
15	Security Guard II	5
2	Administrative Aide IV***	4
1	Administrative Aide III***	3

Tibungco Public Market

1	Market Supervisor I	10
1	Market Inspector I	6
1	Administrative Aide VI***	6
3	Security Guard II	5
1	Administrative Aide III***	3

Bunawan Public Market

1	Market Supervisor I	10
1	Market Inspector I	6
1	Administrative Aide VI***	6
3	Security Guard II	5
1	Administrative Aide II***I	3

Lasang Public Market

1	Market Supervisor I	10
1	Market Inspector I	6
1	Administrative Aide VI***	6
3	Security Guard II	5
1	Administrative Aide III***	3

OPERATION OF CEMETERIES

11	Cemetery Caretaker	2
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Section 22. City Cooperative Development Office. The City Cooperative Officer shall perform the enumerated functions under Section 487, Article 17 of R.A. 7160. ⁴

<i>No. of Positions</i>	<i>POSITION TITLE</i>	<i>Salary Grade</i>
1	City Cooperative Officer (City Gov't. Dept. Head II)	26
1	Asst. City Cooperative Officer (City Gov't. Asst. Dept. Head II)	24

⁴ Ordinance No. 038, s. 1999 "An Ordinance Creating the City Development Cooperative Office (CCDO), appropriating funds therefor and for other purposes"

ADMINISTRATIVE DIVISION

1	<i>Supervising Administrative Officer</i> ***	22
1	Administrative Officer III***	14
1	Administrative Assistant III***	9
2	Administrative Aide IV***	4
1	Administrative Aide III***	3

PROJECT DEVELOPMENT & MANAGEMENT DIVISION

1	Supervising Coop. Dev. Specialist	22
1	Senior Coop. Dev. Specialist	18
1	Cooperative Dev. Specialist II	15
2	Cooperative Dev. Specialist I	11

INFORMATION, EDUCATION & TRAINING DIVISION

1	Supervising Coop. Dev. Specialist	22
1	Senior Coop. Dev. Specialist	18
1	Cooperative Dev. Specialist II	15
2	Cooperative Dev. Specialist I	11

District Extension Services

11	Cooperative Dev. Specialist II	15
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LEGEND:

*** = Reallocation of Position pursuant to DBM Budget Circular #2004-3 dated March 6, 2004

**** = Reallocation of Position pursuant to DBM Budget Circular #2004-3 dated March 6, 2004

Article B – The Staffing Pattern for Co-terminus Positions

Section 23. There shall be Co-terminus Personal & Confidential Staff plantilla positions under the Office of the City Mayor, the City Vice-Mayor and the Sangguniang Panlungsod. ⁵

OFFICE OF THE CITY MAYOR

PERSONAL & CONFIDENTIAL STAFF

No. of Positions	POSITION TITLE	Salary Grade
1	Executive Assistant IV	22
6	Security Officer IV	22

⁵ CSC Res. No. 04-0022 & CSC Memo Circular No. 22, s. 2007

6	Supervising Administrative Officer	22
1	Senior Administrative Assistant III	15
1	Administrative Assistant V	11
2	Security Guard II	5
3	Administrative Aide IV	4

OFFICE OF THE CITY VICE MAYOR

PERSONAL & CONFIDENTIAL STAFF

No. of Positions	POSITION TITLE	Salary Grade
1	Local Legislative Staff Officer IV	19
1	Local Legislative Staff Officer II	13
5	Community Affairs Assistant I	5
2	Administrative Aide IV	4
22	Administrative Aide III	3
2	Administrative Aide II	2

SANGGUNIANG PANLUNGSOD MEMBERS

PERSONAL & CONFIDENTIAL STAFF

26	Local Legislative Staff Officer IV	19
52	Community Affairs Assistant I	5
78	Administrative Aide III (Clerk I)	3
26	Administrative Aide III (Driver I)	3
78	Administrative Aide III (Utility Worker II)	3
26	Administrative Aide II (Messenger)	2

Article C. Administrative Provisions

Section 24. - Limitation On Appointments. No person shall be appointed in the career service of the local government if he is related within the fourth civil degree of consanguinity or affinity to the appointing or recommending authority.

Section 25. - Public Notice Of Vacancy. Whenever the City Mayor or the City Vice-Mayor decides to fill a vacant career position, there shall be posted notices of the vacancy in at least three (3) conspicuous public places in the local government unit concerned for a period of not less than fifteen (15) days.

Section 26. - Salary Adjustment/Increase. Adjustments/increases in the salary of city officials and employees of the City Government in accordance with executive orders, memorandum circulars and other issuances are deemed incorporated.

CHAPTER III

PUBLIC SAFETY, PEACE AND ORDER

Article A. Buying and Selling of Liquors and Cigarettes

Section 1. *Definition.* For purposes of definition, the term “All Other Business Establishments” shall mean and include Hotels, Restaurants, Bars, Malls, Food Houses, Eateries, Refreshment Parlors, Beer Houses, Disco Joints/Houses, Fun Houses, Amusement Centers, Motels, Inns and such other similar establishments selling and serving beer, liquor, coconut wine and other intoxicating beverages as well as cigarettes and other tobacco products;

Section 2. *Declaration of Policy.* It is the policy of the City Government to promote the general welfare of its inhabitants, particularly the minors, who should be protected and shielded from the bad influence of drinking and smoking which shall not only affect their health but also their well-being as future leaders and responsible citizens of the City. It is also the duty and responsibility of parents to see to it that their children who are minors are not exposed to and are spared from such kinds of vices, in the same way that all responsible citizens of the City must do their share in upholding and protecting the welfare and interests of minors.

Section 3. *Prohibited Acts.*

- a) All minors, aged 17 and below, are prohibited from buying, ordering, serving or drinking beer, liquor, coconut wine and other intoxicating beverages as well as buying and smoking cigarettes and other tobacco products from wholesale, retail, grocery, or convenience stores and all other business establishments in the City;
- b) All persons are prohibited from instructing, ordering, sending on an errand or co-opting minors, aged 17 and below, to buy, order or drink beer, liquor, coconut wine and other intoxicating beverages as well as to buy, order or smoke cigarettes and other tobacco products from wholesale, retail, grocery or convenience stores and all other business establishments in the City;

- c) All wholesale, retail, grocery or convenience stores as well as all other business establishments in the city are prohibited from selling or serving beer, liquor, coconut wine and other intoxicating beverages as well as cigarettes and other tobacco products to all minors, aged 17 and below. For this purpose, all wholesale, retail, grocery or convenience stores as well as all other business establishments in the city are mandated to determine the age of their would-be buyers by requiring them, whenever necessary, by reason of their looks and appearance that they may still be minors, to present their identification cards, such as Driver’s License, School ID, Employee ID, other Government-issued ID or Community Tax Certificate before selling or serving to them beer, liquor, coconut wine and other intoxicating beverages as well as cigarettes and other tobacco products;⁶

- d) All business establishments selling intoxicating liquor and beverages are hereby prohibited from selling the same after 2:00 o’clock in the morning.⁷

Section 4. Penalties. Violation of the provisions of this Article shall be penalized as follows:

First Offense	-	A fine of Php1,000.00 or an Imprisonment of not less than ten (10) days or both at the discretion of the Court
Second Offense	-	A fine of Php3,000.00 or an imprisonment of not less than twenty (20) days or both at the discretion of the court

⁶Sections 4 and 5, Ordinance No. 064-02 “Prohibiting the Selling of Cigarettes & Liquor to Minors”

⁷ Section 2, Ord. No. 1627, s. 1994 “Regulating the operation of bus. establishments selling liquors, etc”

Third Offense - A fine of Php5,000.00 or an imprisonment of not less than thirty (30) days or both at the discretion of the court

In addition to the foregoing penalties, the business permit of the erring wholesale, retail, grocery or convenience store or business establishment shall be cancelled by the City Mayor upon its commission.

The following shall be held responsible:

1. The President or General Manager or any person acting for and in behalf of the General Manager in case the wholesale, retail, grocery or convenience store or business establishment is a corporation, partnership or cooperative; and
2. The owner or proprietor or any person acting for and in behalf of the owner or proprietor if the wholesale, retail, grocery or convenience store or business establishment is a single proprietorship;⁸

Section 5. Education and Information Dissemination. All departments and offices of the City Government are mandated to conduct massive education and information drive in their respective departments and offices to disseminate to the employees the existence of this Code for their proper information and guidance. Likewise, all public and private tertiary, secondary and elementary schools, colleges and universities operating in the city are mandated to conduct massive education and information drive in their respective campuses to inform their students of the existence of this Code and to place the sign mentioned under this Article hereof on their respective bulletin boards in full view of their students for their continued guidance and information. All barangays in the city, through their respective Barangay Councils, are mandated to conduct massive education and information drive to disseminate to the people the existence of this Code for their information and guidance.⁹

⁸ Section 6, Ord. No. 064-02 "Prohibiting the Selling of Cigarettes & Liquors to Minors"

⁹ Section 7, *Ibid.*

Article B. The Davao City Drug Test Ordinance

Section 6. Declaration of Policy. Drug dependence or drug abuse has long been a social and psychological menace, leading to drug-related cases or crimes. Hence, it is the policy of the City Government to reduce, if not to eradicate, this problem for the general welfare of the citizenry. Safeguards such as that of providing voluntary and compulsory drug testing to those who may want to avail of it, but most especially to the personnel in the city government service shall be provided. Referral for proper treatment and rehabilitation shall also be undertaken by the City Government to further curb the increase of this social menace, thereby contributing to the ultimate aim of making Davao City a drug safe place to live in.¹⁰

Section 7. Definition of Terms. As used in this Article, the following terms are defined as follows:

- a) “Drug dependence” - As defined by R.A. No. 9165, particularly Section 3 thereof: “it is a cluster of physiological, behavioral and cognitive phenomena of variable intensity, in which the use of psychoactive drug takes on a high priority thereby involving, among others, a strong desire or a sense of compulsion to take the substance and the difficulties in controlling substance-taking behavior in terms of its onset, termination, or levels of use.

- b) “Marijuana” - As defined by R.A. No. 9165, particularly Section 3 thereof: “Indian Hemp’, otherwise known as “marijuana”, embraces every kind, class, genus or specie of the plant Cannabis sativa L. including, but not limited to, Cannabis americana, hashish, bhang, guaza, churrus and ganzab, and embraces every kind, class and character of marijuana, whether dried or fresh and flowering, or fruiting tops or any

¹⁰ Section 2, Ord. No. 002, s. 1999 known as the “Davao City Drug Test Ordinance of 1998”

Section 9. Mandatory Drug Testing. Pursuant to Memorandum Circular No. 34, Series of 1997 of the Civil Service Commission, in accordance with CSC Resolution No. 97-4683, which states that “ the Civil Service Commission promulgates and adopts a policy on pre-employment mental, physical-medical examinations to ensure the highest degree of productivity of its employees. All officials and employees entering the government service shall be required to undergo the following tests:

1. Blood Test,
2. Urinalysis
3. Chest X-ray
4. Drug Test
5. Neuro-psychiatric Exam (if necessary)

All heads of departments/agencies are enjoined to appropriate funds for the above-mentioned examinations as part of the Government’s Physical and Mental Fitness Program.

In addition, hereto, mandatory drug testing shall also be administered for those seeking renewal of their contracts of services, the required funding for which shall be provided by the City Executive Department and included in the annual budget of the City Health Office. ¹²

Section 10. Types of Drug Tests to be Undertaken and the Administering Agencies. Voluntary and mandatory drug testing as stated in this Article shall cover tests on the use of **marijuana** and **shabu**. Drug testing for substances other than those mentioned herein shall be taken at the expense of the employee or applicant, and/or upon the request of the employing agency/department. **PROVIDED**, that the employing agency/department has reasonable grounds for requesting drug tests other than those for **marijuana** and **shabu**.

The drug test that shall be administered is the **screening test**, usually given by **Dangerous Drugs Board (DDB)** accredited government agencies with Class D laboratories. Class D laboratories are those that are capable of performing with competence, preliminary examinations or screening tests of dangerous drugs in the body fluids, such as urine.

¹² Sections 4 and 5, *Ibid.*

If and when the subject tested positive in the screening test, a confirmatory test shall be recommended to fully check its validity. Confirmatory testing shall then be referred to Class A or Class B laboratories duly accredited by the Dangerous Drugs Board.¹³

Section 11. Confidentiality of Drug Testing. All screening or confirmatory test results are strictly confidential in nature. Their contents shall not be revealed to any person other than the parents or guardian of the subject of the test or the subject himself. An advisory note, however, shall be given by the testing agency center/laboratory to the Human Resource Management Office (HRMO) or its equivalent from the employing agency/department, stating only that the tested subject is either positive or negative.¹⁴

Section 12. Treatment and Rehabilitation of Drug Dependent. If in the course of the drug testing, an applicant or employee or person under contract of service is proven positive through confirmatory test and a drug dependent, the said subject shall hereby be recommended for proper treatment and rehabilitation, and shall be subjected to the provisions stated in Section 30 of **Republic Act 9165**, as amended, otherwise known as **“The Comprehensive Dangerous Drug Law of 2002”**.¹⁵

Section 13. The Role of Human Resource Management Office (HRMO). The Human Resource Management Office (HRMO) or its equivalent from the employing agency/department of the City Government, shall be the primary body that will monitor the proper procedural flow in taking voluntary or mandatory drug testing. Its head shall oversee the proper implementation of the drug testing procedure.

Section 14. Procedures in Voluntary Drug Testing. The following procedures shall be undertaken by those who may want to avail of voluntary drug testing:

- a. The interested employee or person under contract of service shall approach the Head of the Human Resource Management Office (HRMO) or the head of its equivalent from the employing agency/department, or his/her designated

¹³ Section 6, Ord. No. 002, s. 1999, “Davao City Drug Test Ordinance of 1998”

¹⁴ Section 7, Ord. No. 002, s. 1999, *Ibid.*

¹⁵ Section 30, RA 9165, otherwise known as “The Comprehensive Drug Law of 2002”

officer for a request for voluntary drug testing. The former shall confer with the latter for the appropriate date, time and venue of the drug testing. A request form shall be duly accomplished by the interested employee or person under contract of service for this purpose;

- b. On the designated date, time and venue, the interested employee or person under contract of service shall give the request form to the assigned personnel of the testing center/laboratory duly accredited by the **Dangerous Drugs Board (DDB)**. The subject shall then be administered the screening test using urine as a sample;

- c. The testing center/laboratory through the assigned personnel shall provide the subject with his/her screening test results. An advisory note stating only whether the subject is either positive or negative shall be submitted, by the testing center/laboratory to the Head of the HRMO or the head of its equivalent office from the employing agency/department;

- d. If tested positive, the subject is advised to take confirmatory test. If willing to undergo the said test, the subject will confer with the Head of the Human Resource Management Office (HRMO) or the head of its equivalent from the employing agency/department, or his/her designated officer the appropriate date, time and venue of confirmatory testing. An advisory note shall again be given to the Head of the HRMO or the head of its equivalent from the employing agency/department. The subject shall be provided and properly advised on the result of his/her confirmatory test. ¹⁶

Section 15. *Procedures in Mandatory Drug Testing.* The following procedures shall be undertaken by those who will avail of mandatory drug testing as a pre-employment requirement;

- a. Prior to the first day of official hiring, all newly-accepted persons under contracts of services shall be given respective notices by the Head of the Human Resource Management Office (HRMO) or the head of its equivalent from the employing agency/department, or his/her designated officer,

¹⁶ Section 10, Ord. No. 002, s. 1999, "Davao City Drug Test Ordinance of 1998"

requesting them to undergo drug testing. They shall be informed to report to the HRMO or its equivalent from the employing agency/department to get their respective request forms stating the scheduled date, time and venue of the drug testing;

- b. On the designated date, time and venue, the subject shall give the request form to the assigned personnel of the testing center/laboratory duly accredited by the **Dangerous Drugs Board (DDB)**. The subject shall then be administered the screening test using urine as a sample;
- c. The testing center/laboratory, through the assigned personnel, shall provide the subject with his/her screening test results. An advisory note addressed to the HRMO or its equivalent from the employing agency/department shall be given to the subject with instruction to submit the same to the said office for full compliance of the pre-employment requirement;

- If tested positive, the subject is advised to take confirmatory test. If willing to
- d. undergo the said test, the subject shall confer with the Head of the Human Resource Management Office (HRMO) or the head of its equivalent from the employing agency/department, or is/her designated officer the appropriate date, time and venue of confirmatory testing. An advisory note shall again be addressed to the HRMO or its equivalent from the employing agency/department, and be given to the subject with instruction to submit the same to the said office. The subject shall be provided and properly advised on the result of his/her confirmatory test.¹⁷

Section 16. Violation of Confidential Nature of Drug Test Results. In case the drug test results are revealed other than those provided in the provision of this Article and those stated in **Republic Act No. 9165**, otherwise known as the **“The Comprehensive Dangerous Drug Law of 2002”**, the offender shall be penalized with a fine not exceeding Five Thousand Pesos (P5,000.00) or an

¹⁷ Section 11, *Ibid.*

imprisonment for a period not exceeding one (1) year or both at the discretion of the Court;

Section 17. Failure or Refusal to submit to Drug Testing and the Drug Test Results; Its Effect: The failure and/or refusal of newly-accepted personnel, newly-accepted persons under contracts of services, and those seeking renewal of their contractual appointments or contracts of services, to submit the result of drug tests within two (2) days from the date of the latest drug test, or their refusal to submit their bodies for drug testing as a pre-employment requirement, shall be sufficient ground for the disapproval of their final appointments or contracts of services. ¹⁸

Article C. Possession and Sale of Firecrackers

Section 18. Prohibited Acts.

- a. It shall be unlawful for any person or business establishment to manufacture, sell or offer for sale, distribute, possess or use any firecrackers or pyrotechnic device or such other similar devices within the territory of Davao City;
- b. It shall, likewise, be unlawful for any person to discharge or explode, or cause to discharge or to explode, any firecrackers, or any other explosive or to use any pyrotechnic device or any such other similar device, at anytime and anywhere within the territory of Davao City. ¹⁹

Section 19. Penalties. Violation of the provisions of this Article shall be penalized as follows:

¹⁸ Sections 12 and 13, Ord. No. 002, s. 1999, "Davao City Drug Test Ordinance of 1998"

¹⁹ Section 2, Ord. No. 060-02, "Prohibiting the Manufacture, Sale, Distribution, Possession or use of Firecrackers or Pyrotechnic Devices"

a) For the first offense, a fine of One Thousand Pesos (P1,000.00) or imprisonment of not more than One (1) month but not less than twenty (20) days, or both fine and imprisonment, at the discretion of the Court;

b) For the second offense, a fine of Three Thousand Pesos (P3,000.00) or imprisonment of not more than Three (3) Months but not less than One (1) month, or both fine and imprisonment, at the discretion of the Court;

For the third offense, a fine of Five Thousand Pesos (P5,000.00) or
c) imprisonment of not more than Six (6) months but not less Three (3) months, or both fine and imprisonment, at the discretion of the Court.

If the violation is committed by a business establishment, the President or General Manager or the person, acting in behalf of either the President or General Manager shall be held liable in the case of a corporation or partnership, or the owner or proprietor or the person acting in his behalf shall be held responsible in the case of a single proprietorship.

In addition to the foregoing penalties, the business permit of the business establishment shall be cancelled by the City Mayor upon the commission of the third offense.²⁰

Article D.

Regulation on the Use of Bamboo Sticks or Skewers

Section 20. Regulated Act. Any business establishment such as, but not limited to, restaurants, carenderias, sidewalk stalls or establishments preparing food for public consumption and display, which serve barbecued meat such as pork, beef, chicken, fish or food requiring the use of barbecue sticks or skewers are hereby required to cut the sharp end or remove the barbecue sticks or skewers completely before serving to the customer;²¹

²⁰ Section 3, Ord. No. 060-02, "Prohibiting the Manufacture, Sale, Distribution, Possession or Use of Firecrackers or Pyrotechnic Devices"

²¹ Section 1, Ord. No. 115, s. 1986, "Regulating the use of Bamboo Sticks or Skewers"

Section 21. Prohibited Acts. Any used barbecue stick or skewer shall not be re-used for skewer food; ²²

Section 22. Penalty. Violation of the provisions of this Article shall be penalized as follows:

First Offense - A fine of Php100.00;

Second Offense - A fine of Php150.00;

Third Offense - A fine of Php200.00 or an imprisonment of one (1) month or both upon discretion of the court and closure of the business establishment with cancellation of the business permit. ²³

Article E.

Registration of Guests in Hotels, Motels, Inns, Lodges or Other Related Establishments

Section 23. Regulated Act. All operators of hotels, motels, inns, lodges and the like shall require their guests to register in an appropriate registry/logbook and to make this registry/logbook open for inspection by the proper authorities and to submit a list of all guests to the Philippine National Police (PNP) every week; ²⁴

Section 24. Penalty. Failure to comply with the provisions of this Article shall be subject to a fine not exceeding Five Thousand (Php5,000.00) Pesos or

²² Section 2, *Ibid.*

²³ Section 3, *Ibid.*

²⁴ Section 1, Ord. No. 847, s. 1993, "Requiring the Registration of guests in Hotels, Motels, Inns"

an imprisonment for a period not exceeding one (1) year, or both at the discretion of the Court.²⁵

Article F. Anti-Scalping

Section 25. Definition. The term “Scalper” shall be understood as a person selling airline, shipping, and bus tickets with or without profit outside the ticket office or official booth or place designated for the purpose;²⁶

Section 26. Prohibited Acts.

1. It shall be unlawful for any scalper or person to sell any airline, shipping, and bus tickets with or without profit or for any person to buy any airline, shipping, and bus tickets outside the ticket office or official booth or place designated for the purpose;
2. It is hereby prohibited for any person to finance, manage or operate scalping which is pernicious or inimical to public interest;²⁷

Section 27. Penalty. Violation of any provision of this Article shall be punished by a fine of not more than Five Hundred Pesos (Php500.00) or by imprisonment of not more than three (3) months or both, such fine and imprisonment at the discretion of the Court.²⁸

Article G. Color Coding for School Vehicles

Section 28. Regulated Acts.

1. All kinds of motor vehicles used to ferry children to and from their respective school premises shall use color codes described as follows:

²⁵ Section 2, Ord. No. 847, s. 1993 “Requiring the registration of guests in Hotels, Motels, Inns”

²⁶ Section 2, Ord. No. 65, s. 1990 “Anti-Scalping Ordinance of Davao City”

²⁷ Sections 3 and 4, *Ibid.*

²⁸ Section 5, *Ibid.*

Black and orange squares alternately painted, contiguous and adjacent to each other in four-inches by four-inches size each, with a minimum width of one foot in all, on every side of each school vehicle at the expense of the operator.

2. Drivers of other motor vehicles shall lower their speed and exercise extra care when following behind or coming from the opposite direction of vehicles wearing the herein prescribed color code.²⁹

Section 29. Definition of Terms. For purposes of this Article, the following terms, unless the context otherwise indicates, shall have meanings herein assigned to them;

- a. School Vehicle - Includes any kind of road worthy vehicles which are used exclusively to transport children to and from their respective learning premises whether or not owned or operated by the learning institution concerned with a franchise duly issued by the Land Transportation Franchising and Regulatory Board (LTFRB) to engage in such route or business of transportation.
- b. Operator - The owner of the motor vehicle who is registered as such with the Land Transportation Franchising and Regulatory Board (LTFRB).
- c. Color Code - Refers to any mark, logo, or sign which identifies a particular class from the rest.
- d. Children - For purposes of this Article, include pre-school children, elementary pupils, and high school students who are below eighteen (18) years of age and regularly ferried by school vehicles to and from their respective school premises.

²⁹ Section 2, Ord. No. 4121, s. 1996 “Prescribing a Color Code for School Vehicles”

- e. Protection Rights - Are rights of children to be guarded against any form of abuse, exploitation, and discrimination. ³⁰

Section 30. Law Enforcement. The Davao City Police Office – Traffic Division, in coordination with the City Traffic Management Board shall be responsible for the enforcement of this Article.

Section 31. Persons Criminally Liable. The School Administrator, principal, operator of private vehicles or any other person and in case of corporate entity, the President, who made the order, authorization or directly caused the use of any motor vehicle to transport children without the prescribed color code shall be held liable under this Article. ³¹

Section 32. Prosecution of Offenders. The Child and Youth Relation Section (CYRS) in coordination with the City Prosecution Office shall take the lead in prosecuting offenders of this Article.

Section 33. Penalty. Violation of the provisions of this Article shall be penalized by an imprisonment of not less than one (1) month nor more than one (1) year or a fine of not less than One Thousand (Php1,000.000) Pesos but not more than Five Thousand (Php5,000.00) Pesos or both at the discretion of the Court. ³²

Article H. Sale of Rugby

Section 34. Prohibited Act. All business establishments are prohibited from selling rugby solvent to any person below eighteen (18) years of age. ³³

Section 35. Penalty. Violation of the provision of this Article shall be penalized by cancellation of their business permits or licenses. ³⁴

³⁰ Section 3, Ord. No. 4121, s. 1996 “Prescribing a Color Code for School Vehicles”

³¹ Section 8, *Ibid.*

³² Section 7, *Ibid.*

³³ Section 1, Ord. No. 818, s. 1993 “Regulating the Sale of Rugby Solvent”

³⁴ Section 2, *Ibid.*

Article I. Wearing of Crash Helmets

Section 36. Regulated Acts. All drivers and riders of single motorcycles plying along the City Streets and national Highways within the territorial jurisdiction of Davao City are hereby required to wear crash helmets while operating or driving said motorcycles, limiting the number of backriders or riders thereof to only one (1) person; to require the backrider or rider to also wear crash helmet or other protective head gear when riding on the motorcycle and not to allow minors less than eight (8) years old to ride on their motorcycle; and not to use their motorcycles as public transport units or to solicit passengers for a fee. ³⁵

Section 37. Prohibited Acts.

1. Non-wearing by drivers of crash helmets or other protective head gears while driving single motorcycles;
2. Drivers allowing more than one (1) person apart from the driver to ride on single motorcycles;
3. Drivers allowing a backrider or rider to ride on single motorcycles without wearing crash helmet;
4. Soliciting passengers for a fee or allowing the motorcycle to be used as a public transport motor vehicle;
5. Allowing minors below eight (8) years old to ride on single motorcycles ³⁶

Section 38. Penalty. Violation of the provisions of this Article shall be administratively penalized as follows:

First Offense	-	Fine of One Thousand Pesos (Php1,000.00)
Second Offense	-	Fine of Two Thousand Pesos (Php2,000.00)
Third Offense	-	Fine of Three Thousand Pesos (Php3,000.00)

³⁵ Section 2, Ord. No. 0189-06, s. 2006 “Wearing of Crash Helmets while riding motorcycle”

³⁶ Section 3, *Ibid.*

In addition, in all instances, the motorcycle of the erring driver shall be impounded and shall not be released until the fines are fully paid;

The City Treasurer or his agents shall collect the administrative fines herein provided and issue official receipts therefor.³⁷

Article J.

Filling up of Natural Depression Beside the Airport Area

Section 39. Prohibited Act. The filling up of natural depression beside the Bangoy Airport area is strictly prohibited.³⁸

Section 40. Penalty. Violation of the provision of this Article shall be fined in the amount of Five Thousand Pesos (Php5,000.00) or an imprisonment of one (1) year or both at the discretion of the Court.³⁹

Article K.

Protection of the Environment from Astray Animals

Section 41. Regulated Acts.

- a) No person, firm or corporation shall allow the loosening or letting astray any domestic animals in any of the public places and private properties in the City of Davao⁴⁰
- b) No person shall keep or own any dog over three (3) months old without first securing a Registration Certificate from the City Veterinarian. The latter shall keep a register of all licensed dog, describing the same by the name, breed, color and sex, date of immunization and shall enter therein the name and address of the owner, amount paid, number and date of official receipt.

³⁷ Section 4, *Ibid.*

³⁸ Section 1, Ord. No. 4404, s. 1996 "Prohibiting the Filling Up of Natural Depression beside the
Airport Area"

³⁹ Section 2, Ord. No. 4404, s. 1996 "Prohibiting the Filling Up of Natural Depression Beside the
Airport Area"

⁴⁰ Section 1, Ord. No. 1004, s. 1974 "Prohibiting the Loosening or Letting Astray Animals"

- c) No dog can be registered without being immunized against rabies by the City Veterinarian or any Veterinarian. Immunization fee shall be paid at cost.⁴¹

Section 42. Time of Payment. The registration fee shall be paid annually based on the registry date. A Ten Pesos (P10.00) penalty shall be imposed for every month of delay.

Section 43. Prohibited Act. It shall be prohibited for any person entering the City of Davao to bring with him any dog unless such dogs are duly certified to have been immunized of anti-rabies vaccines from the place of origin and if such dogs do not have any proof of immunization from the place of origin, they will be turned over to the custody of the City Veterinarian for immunization.⁴²

Section 44. Definition of Terms:

Astray Animal – means an animal which is set loose or not under the complete control of its owner, or the one in charge, or in the possession thereof, or found roaming around, in public or private places whether fettered or not.

Cattle – include horse, mule, ass, carabao, cow and other domesticated members of the bovine family.

Swine – includes hogs or pigs.

Public Place – includes national, provincial, municipal or barangay roads, parks, plazas, and such other places open to the public.

Private Place – includes privately-owned streets, yards, ricefields, farmlands and lots owned by an individual other than the owner of the animal.

Owner – the person in whose name the license certificate for the dog is issued ; provided, however, that if the dog is not yet immunized nor issued a metal tag and license certificate, the term “owner” may refer to the possessor or person in custody.⁴³

Section 45. Impounding of Astray Animals. For purposes of this Article, the Barangay Officials and/or Barangay Tanods of the City are hereby authorized to apprehend and impound astray animals in the City corral or a place duly designated for such purpose. He shall also cause the posting of notice of the impounded astray animal at City Hall or Barangay Hall for seven (7) consecutive days, starting one day after the animal is impounded, within which the owner is required to claim and

⁴¹ Section 115, Ord. No. 0158-05 “The 2005 Revenue Code of Davao City”

⁴² Section 13, Ord. No. 1457, s. 1974 “Prohibiting Stray Dogs & Impounding the same”

⁴³ Section 14, Ord. No. 1457, s. 1974 “Prohibiting Stray Dogs & Impounding the same”

establish ownership of the impounded animal. The City Mayor and the City Treasurer shall be informed of the impounding. ⁴⁴

Dogs shall be considered stray if they are not accompanied by its owner and found wandering in streets, plazas, markets, school premises and other public places. ⁴⁵

Section 46. Fees. There shall be imposed the following fees for each day or fraction thereof for each head of astray animal found running or roaming at large, or fettered in public places.

	Amount of Fee
(a) Large Cattle	P 1,000.00
Succeeding day(s)	100.00
(b) All other animals	250.00
Succeeding day(s)	50.00

Section 47. Time of Payment - The impounding fee shall be paid to the City Treasurer prior to the release of the impounded animal to its owner. ⁴⁶

Section 48. Administrative Provisions.

1. For purposes of this Article, impounded animals excluding dogs and cats not claimed within three (3) days after the date of impounding shall be sold at public auction under the following procedures:
 - a. The City Treasurer shall post a notice for seven (7) days in public areas including the main door of City Hall and the public markets. The animal shall be sold to the highest bidder. Within seven (7) days after the auction sale, the City Treasurer shall make a report of the proceedings in writing to the City Mayor
 - b. The owner may stop the sale by paying, at any time before or during the auction sale, the impounding fees due and the cost of the advertisement and conduct of sale to the City Treasurer, otherwise the sale shall proceed.
 - c. The proceeds of the sale shall be applied to satisfy the cost of impounding, advertisement and conduct of sale. The residue over these costs shall accrue to the General Fund of the city.
 - d. In case the impounded animal is not disposed of within seven (7) days from the date of notice of public auction, the same shall be considered sold to the City

⁴⁴ Section 119 (a), Ord. No. 0158-05 “The 2005 Revenue Code of Davao City”

⁴⁵ Section 7, Ord. No. 1457, s.1974 “Prohibiting Stray Dogs & Impounding the same”

⁴⁶ Sections 117 & 118, Ord. No. 0158-05 “The 2005 Revenue Code of Davao City”

Government for the amount equivalent to the fees due.⁴⁷

2. Every person whose dogs are properly vaccinated shall for each dog, be issued a certificate of immunization, a metal tag and license certificate as follows:
 - a. The certificate of immunization shall be issued by the City Veterinarian and/or his authorized representative to the owner whose dogs have been properly vaccinated;
 - b. The metal tag shall be issued by the City Health Officer who shall impress it with a serial number and the year of issue. The tag shall be worn by the dog at all times suspended in a conspicuous manner from a collar to identify that such dog has been duly immunized;
 - c. The license certificate shall be issued by the City Treasurer's Office to the owner whose dogs have been issued a certificate of immunization and a metal tag.
 - d. Provided, however, the owner shall pay the amount of P5.00 for the license of each dog; Provided further, that in case the owner of the dog is an indigent, he shall be exempted from paying the fee for not more than one dog, in which case a license certificate for the dog shall be issued by the City Treasurer's Office free of charge.⁴⁸
3. The City Veterinarian or his authorized representative shall perform the vaccination of dogs.
4. The City Health Officer may establish vaccination stations in the poblacion and in different barangays, preferably in the Health Centers and such stations shall be made available to the City Veterinarian or his authorized representative for the purpose of anti-rabies vaccination of dogs.⁴⁹

Section 49. Rules and Regulations.⁵⁰

1. The rendering of immunization, placing of metal tag and licensing of dogs shall be done at three (3) years interval, and the issuance of certificate of immunization, metal tag and license certificate for dogs shall be renewed at the end of the third year and the fee therefor paid.

⁴⁷ Section 119 (b), Ord. No. 0158-05, "The 2005 Revenue Code of Davao City"

⁴⁸ Section 3, Ord. No. 1457, s. 1974 "Prohibiting Stray Dogs & Impounding the same"

⁴⁹ Sections 4 and 5, *Ibid.*

⁵⁰ Sections 6, 8, 9, 11, 12 & 15, Ord. No. 1457, s. 1974 "Prohibiting Stray Dogs & Impounding of the same"

2. Unlicensed stray dogs, if caught by the representatives of the City Veterinarian, shall within three (3) days after being impounded, be sold at the best obtainable price and the proceeds thereof shall accrue to the General Fund.
3. If the dogs are not claimed within the period specified and there are no buyers, they shall be humanely killed by the City Pound, City Veterinarian or by the health authorities.
4. In case the stray dog is killed, it must be disposed of by burning or by burial in a sanitary manner; Provided that if such dogs are claimed by its owners before they are sold or killed, the same shall be returned to them after they are properly vaccinated, issued a metal tag and a license certificate, and the license and impounding fees duly paid to the City Treasurer.
5. Licensed stray dogs if caught by the representatives of the City Veterinarian and are not claimed within one (1) week by the owner, shall, likewise, be sold or humanely killed.
6. Owners of dogs shall immediately report to the City Health Officer any dog bite incident and bring the dog to his Office for examination, if practicable.
7. The death or disappearance of a vaccinated dog shall be reported at once to the City Health Office. In case of death, the dog tag shall be surrendered to the City Health Officer.
8. The presence of the dog tag attached to the dog's collar shall not be a license for the owner to allow such dog to be astray.

Section 50. *Penalty.* Owners whose animals are caught astray and have incurred damages to plants and properties shall pay the following fines:

(a) First offense	-	P	100.00 per day
(b) Second offense	-		200.00 per day
(c) For the third offense and each subsequent offense	-		300.00 per day

In addition to the fine, the owners shall pay the amount of damage incurred, if any, to the property owner. ⁵¹

**Article L.
Vandalism of Public and Private Properties**

Section 51. *Prohibited Act.* – It shall be unlawful for any person to deface or scribble or write on the walls of public or private buildings, and/or fences exposed to public view. ⁵²

Section 52. *Penalty.* Any person found violating this Article, shall upon conviction be subject to the following fines and penalties:

⁵¹ Section 120, Ord. No. 0158-05, “The 2005 Revenue Code of Davao City”

⁵² Section 1, Ord. No. 332, s.1968 “Anti-Scribbling Ordinance”

First Offense	-	Imprisonment of Six (6) months or a fine of Five Hundred (P500.00) Pesos or both at the discretion of the court;
Second Offense	-	Imprisonment of Ten (10) months or a Fine of Seven Hundred (P700.00) Pesos or both at the discretion of the court
Third Offense	-	Imprisonment of One (1) year or a fine of Two Thousand (P2,000.00) Pesos or both at the discretion of the Court ⁵³

Article M. Anti-Littering

Section 53. Declaration of Policy. It shall be the declared policy of the City Government of Davao to adhere to and adopt a systematic, comprehensive and ecological solid waste management program of Davao City which shall ensure, among others, the protection of public health and environment. Towards this end, the City hereby sets the guidelines for the strict implementation of the Anti-Littering Ordinance pursuant to Section 48 (1) of R. A. 9003, otherwise known as “The Ecological Solid Waste Management Act of 2000”. ⁵⁴

Section 54. Prohibited Acts. It shall be unlawful for any person/s to commit the following prohibited acts, viz: Littering, throwing, scattering and dumping of or failure to properly dispose of any refuse, fruit peelings, pieces of paper, plastic wrappers and other waste materials or unsanitary things in public places such as roads, sidewalks, canals, esteros, parks, public playgrounds, public school campuses, public buildings, rivers, lakes, creeks, seas and other public places or causing or permitting disposal of the same, except in appropriate waste receptacles or garbage bins provided for the purpose. ⁵⁵

Section 55. Coordinating Office. The City Environment and Natural Resources Office (CENRO) shall be the lead coordinating office in the strict implementation of the provisions of this Article. It shall be the duty of CENRO to provide garbage bins/receptacles in public places, such as streets, playgrounds, public buildings and other places of similar nature. CENRO shall likewise prepare any and all informative materials and programs relative to the implementation of this article and shall continuously disseminate the same to the general public in print or broadcast or through signages/notices to be placed in strategic public places and locations in the city. ⁵⁶

Section 56. Duties of the Barangay. In addition to the personnel of various law enforcement agencies, the Punong Barangay together with the barangay kagawads and barangay tanods, shall be deputized to apprehend violators of the provisions of this Article.

⁵³ Section 2, Ord. No. 004, s.1998 “Amending the Anti-Scribbling Ordinance”

⁵⁴ Section 48 (1), RA 9003 “The Ecological Solid Waste Management Act of 2000”

⁵⁵ Section 3, Ord. No. 0171-09, s. 2009 “The Anti-Littering Ordinance of Davao City”

⁵⁶ Section 5, Ord. No. 0171-09, s. 2009 “The Anti-Littering Ordinance of Davao City”

Section 57. Anti-Littering Fund. Any and all fines imposed upon violators by the court in accordance with this Article shall form part of and accrue to a special fund to be created under the City Treasurer's Office, to be called the Anti-Littering Fund, which shall be administered by the Solid Waste Management Board of Davao City. The funds shall be used solely for the purpose of achieving the full implementation and desired results of this Article.⁵⁷

Section 58. Penalty. Any person or persons violating the provisions of this Article shall, upon conviction, be punished with a fine of:

For the first offense	- Php100 to Php500;
For the second offense	- Php500 to Php1000;
For the third and succeeding Offenses	- Php1000 and imprisonment of not more than one (1) month or both at the discretion of the court. ⁵⁸

**Article N.
Sale of Drinks in Davao City During
Boxing Bouts and Stage Shows**

Section 59. Regulated Acts.

- a) It shall be unlawful for any person, corporation to sell bottled drinks in any gym, recreational center during boxing bouts, stage shows and other presentations.
- b) It shall be unlawful for any person to carry bottled drinks in any gym, recreational center, while witnessing boxing bouts, stage shows and other presentations.⁵⁹

Section 60. Penalty. Any person, firm or corporation violating the provisions of this Article shall upon conviction be punished by a fine of Fifty Pesos (P50.00).⁶⁰

Article O. Anti-Smoking

Section 61. Regulated Acts. It shall be unlawful for any person to smoke or allow smoking in a public utility vehicle, government-owned vehicle or any other means of public transport for passengers, accommodation and entertainment establishments, public buildings, public places as defined in Section 62 (e) of this Article, enclosed public place, or in any enclosed area outside of ones private residence, private place of

⁵⁷ Section 7, *Ibid.*

⁵⁸ Section 4, *Ibid.*

⁵⁹ Sections 1 & 2, Ord. No. 192, s. 1972 "Prohibiting the Sale of drinks in Bottles during Boxing Bouts, stage shows and other presentations"

⁶⁰ Section 3, *Ibid.*

work, cars owned by the government or duly designated smoking areas, within the territorial jurisdiction of Davao City;

Section 62. Definition of Terms.

- a. **Smoking** refers to the lighting and/or puffing of any lighted cigarette, cigar, tobacco or any other kind, form or type. Possession of any lighted cigarette, cigar, tobacco and the like within the prohibited areas for smoking shall constitute a *prima facie* evidence as an act of smoking prohibited under this article;
- b. **Public Utility Vehicle** refers to Public Utility Jeepneys (PUJs), Public Utility Buses (PUBs), taxis, tricycles and other public utility vehicles used in the transport of passengers;
- c. **Accommodation & Entertainment Establishments** refer to restaurants, fastfoods, eateries, hotels, motels, lodges, inns, boarding houses, disco houses, videoke bars, resto bars, and movie houses, or any other place with pleasant environment and atmosphere conducive to comfort, healthful relaxation and rest, offering food, sleeping accommodation and recreational facilities to the public for a fee;
- d. **Public Building refers to any of the following:**
 - (1.) A building structure owned by the government or owned by a private person but used, rented or occupied by the government or any of its instrumentalities;
 - (2.) Any building or structure used or controlled exclusively for public purposes by any department or branch of government, local government unit or barangay without reference to the ownership of the building;
- e. **Public Place** refers to gasoline stations, banks, malls, town squares, terminals, shopping/business arcades, schools, churches, hospitals, cinema houses, gymnasiums, funeral parlors, barber shops, and other similar places where people usually congregate either to while away their time or to listen or attend concerts, rallies, programs such as, but not limited to, Rizal Park, Freedom Park, Magsaysay Park, Osmena Park, and the like;
- f. **Designated Smoking Room** refers to a delineated room inside the accommodation establishment, or public place or enclosed public place, which is totally enclosed where a person is allowed to smoke without violating this Ordinance.

Any duly designated room/area in accommodation and entertainment establishments, whether tourism-accredited or not, within the territorial jurisdiction of Davao City as hereinabove defined, provided, the following conditions are met:

- (1) If the accommodation and entertainment establishment is air-conditioned, it must establish and designate a smoking room which shall not be more than one-fourth ($\frac{1}{4}$) of the total accommodation area of the establishment that is air-

conditioned and equipped with an exhaust fan and totally enclosed on all sides and separated from the rest of the premises where smoking is prohibited; and

(2) If the accommodation and entertainment establishment is not air-conditioned, it must establish and designate a smoking area which shall not be more than one-fourth ($\frac{1}{4}$) of the total accommodation area of the establishment that is fully ventilated and separated from the rest of the premises where smoking is prohibited.

- g. **Enclosed Area** refers to an area which is closed, whether totally or partially, at the sides and is roofed or make use of the floor above it as a ceiling, or even if open on all sides but is covered by a roof, permanent or temporary in nature;
- h. **Enclosed Public Place** refers to a room, building, structure or edifice that is constructed with a shelter or covered by a roof with panels or concrete wall, which structure is open to the public. ⁶¹

Section 63. Prohibited Acts. The following acts shall be prohibited:

- a. Smoking in any of the places enumerated in this Article except in duly designated smoking areas;
- b. Knowingly allowing, abetting, or tolerating smoking in accommodation establishments, whether tourism-accredited or not, except when smoking is done inside or within the duly designated smoking areas referred to in this Article;
- c. Smoking while inside a government-owned or public utility vehicle whether moving or stationery or while solicitation of passengers is going on or while the vehicle is waiting for passengers; ⁶²

Section 64. Rules and Regulations:

- 1. The following persons/individuals are deemed liable under this Article:
 - a. **Any person smoking within the prohibited rooms, areas/establishments mentioned in Section 62 hereof;**
 - b. Any passenger, driver, conductor, or inspector of government-owned vehicles or public utility vehicles (PUVs) smoking as stated in Section 63 (c) hereof;
 - c. The President or Manager in case of a company, corporation, or association or the owner/proprietor or operator in case of single proprietorship, of accommodation and entertainment establishments, whether tourism-accredited or not, who knowingly allows, abets or tolerates and/or fails to warn, advise or report violators of this Article to any policeman or nearest police station within three (3) hours of the violation; ⁶³

⁶¹ Section 3, Ord. No. 043-02, s. 2002 known as the“ Comprehensive Anti-Smoking Ordinance”

⁶² Section 4, *Ibid.*

⁶³ Section 5, Ord. No. 043-02, s. 2002 “The Comprehensive Anti-Smoking Ordinance”

2. The City Health Office and City Engineer's Office are tasked to inspect and certify the appropriateness of the designated smoking areas provided by accommodation establishments, whether tourism-accredited or not, taking into consideration the purpose of the law which is to protect non-smokers from the pernicious effects of tobacco smoke;

A period of sixty (60) days shall be given to the management of the accommodation and entertainment establishment to comply with the requirements of this article. Non-compliance with the requirements set forth in this Article shall be a ground for cancellation of the business permit by the Office of the Business Bureau. ⁶⁴

3. The City Engineer's Office is hereby tasked to put up billboards in a conspicuous place in the City to notify the public of the restrictions, sanctions and penalties provided in this Article. ⁶⁵
4. The Philippine National Police (PNP) is tasked with the proper and vigorous implementation of this Article. ⁶⁶

Section 65. *Penalty.* Violators of the provisions of this Article shall be subject to a fine of not less than Php 500.00 nor more than Php 2,000.00 or imprisonment of not less than one (1) month nor more than six (6) months or both, at the discretion of the Court, except for Paragraphs 2 & 3 hereunder. ⁶⁷

(1.) In cases of establishments which do not opt to declare their establishment as totally free from smoking but fails to provide the appropriate designated smoking area as certified by the City Health Office and City Engineer's Office within the 60-day period specified in the provision of this Article, their business permit may be revoked;

(2.) In cases where there is failure to warn or advise would-be violators of this Article, or failure to report violators as required in Section 64, paragraph 1 (c) hereof or smoking is allowed, abetted or tolerated in establishments in violation of this Article, a penalty shall be imposed upon the President or Manager in cases of corporations, partnerships or associations, or the owner, proprietor or operator in cases of single proprietorship, whether tourism- accredited or not as follows:

First Offense

Php300.00 or one (1) month imprisonment or both at the discretion of the court

Second Offense

Php500.00 or two (2) months imprisonment or both at the discretion of the court

⁶⁴ Section 6, *Ibid.*

⁶⁵ Section 8, *Ibid.*

⁶⁶ Section 9, *Ibid.*

⁶⁷ Section 7, *Ibid.*

- | | |
|-------------------------------|--|
| Third and subsequent offenses | Php1,000.00 or four (4) months imprisonment or both at the discretion of the court |
|-------------------------------|--|
- (3.) Three (3) violations of this Article shall be a ground for cancellation of the establishment's business permit.
- (4.) For drivers/passengers of Public Utility Vehicles (PUVs)
- | | |
|----------------|--|
| First Offense | Php 100.00 or one (1) month imprisonment or both at the discretion of the court |
| Second Offense | Php 300.00 or two (2) months imprisonment or both at the discretion of the court |
| Third Offense | Php 500.00 or three (3) months imprisonment or both at the discretion of the court |

Article P. Anti-Nuisance

Section 66. – Regulated Acts. – It shall be unlawful for any person or persons, whether natural or juridical, to produce, make and/or cause any or all the nuisance as defined in this Article.

Section 67. – Nuisance Defined. For purposes of this Article, the following shall be considered nuisance: ⁶⁸

- a. The placing of advertisements, posters, placards and/or signs at the foot of any monument, public building, public plaza and/or park in the City of Davao;
- b. The making of loud and unnecessary, or annoying and irritating noises, thru juke boxes, loud speakers, radio and/or any sound system, except those that are made pursuant to permits given by authorities. Provided, however, that in case of bars, hotels, refreshment parlors or other amusement centers loud sounds emanating from any sound system are allowed as long as they are confined within the premises of said establishments.
- c. The existence, establishment or construction of “traveling stores/stalls”, “barong-barong” and/or junks, such as empty boxes, wares, junk trucks or other vehicles and the like on sidewalks, public streets, parks and plazas, which are unsightly or which constitute traffic hazards. Provided, however, that for flea markets and sale of dry goods in support of livelihood programs, the Sangguniang Panlungsod may, from time to time, designate specific areas, dates, and time within which traveling stores/stalls may be established for flea markets and sale of dry goods.

⁶⁸ Section 2, Ordinance No. 30, s. 1988, known as the “Revised Anti-Nuisance Ordinance”

- d. The indiscriminate dumping along any part of any street or road of materials or things which are obnoxious or unpleasant and which cause inconvenience or annoyance to the general public.
- e. The noise emanating from tricycles units (pedicabs) plying their routes within subdivision streets and city streets within the City of Davao.

Section 68. Rules and Regulations.

- a. In case the violation has been committed by a juridical entity, the person in-charge of the management and who has knowledge thereof, shall be held responsible;
- b. All tricycle units (pedicabs) plying within subdivision streets and along city streets in Davao City shall be provided with silencer or muffler to prevent noise pollution.⁶⁹

Section 69. Penalty. Any person, company, corporation, or establishment violating the provisions of this Article shall be punished as follows:

- a. For the first offense, by a fine of not less than Two Hundred Pesos (Php200.00) but not more than Five Hundred Pesos (Php500.00) or by imprisonment of not less than seven (7) days but not more than three (3) months or both, such fine and imprisonment, at the discretion of the court.
- b. For the second and subsequent offenses, by a fine of not less than Five Hundred Pesos (Php500.00) but not more than One Thousand Pesos (Php1,000.00) or by imprisonment of not less than three (3) months or both, such fine and imprisonment, at the discretion of the court.⁷⁰

Article Q.

Prohibiting the use of Cellular Phones, Hand-held Radios, Personal Digital Assistant (PDA) and other similar electronic devices while driving

Section 70. Declaration of Policy. Section 5 of Article II of the 1987 Constitution provides that “the maintenance of peace and order, the protection of liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy”;

Section 71. Scope and applicability. The provisions of this Article shall be applicable to all drivers of any motorized vehicle in all streets, roads and boulevards within the entire territory and jurisdiction of the City of Davao;⁷¹

⁶⁹ Section 2 (e), Ord. No. 30, s. 1988, known as the “Revised Anti-Nuisance Ordinance”, as amended by Ordinance No. 1416-C, s. 1993

⁷⁰ Section 4, paragraphs (a) and (b), *Ibid.*

⁷¹ Section 3, Ord. No. 0143-05, known as “An Ordinance Prohibiting the use of Cellular Phones, Handheld Radios, Personal Digital Assistant & other similar electronic devices while driving”

Section 72. Prohibited Acts. All persons behind the steering wheel and having control of the motorized vehicle, public or private, are prohibited from using cellular phones, hand-held radios, Personal Digital Assistant (PDA) and other similar electronic devices while driving;⁷²

Section 73. Exemption. Drivers involved in emergency communication and response such as ambulance, firetrucks, search and rescue vehicles, police patrol cars, military vehicles and the like are hereby exempted when using hand-held radios while driving in the performance of their official duties;⁷³

Section 74. Penalty. Any person who shall violate the provisions of this Article shall be subject to the confiscation of his/her driver's license by the Traffic Management Group, other duly authorized traffic personnel, or any law enforcer. The confiscated license shall then be turned over to the Land Transportation Office (LTO) for retrieval by the person upon payment at the City Treasurer's Office of the following:

First Offense	-	A fine of P150.00
Second Offense	-	A fine of P300.00
On subsequent Offenses	-	A fine of P500.00

All penalties are without prejudice to the application of the provisions of other existing applicable ordinances and laws.⁷⁴

Article R.
Prohibiting Entertainment and other Business Establishments from Allowing Entry of Persons with Firearms, Ammunitions and Explosives and for other Related Acts

Section 75. Declaration of Policy. It is the policy of the City Government to promote the safety of its establishments free from harm and protected from the injurious and deadly effects of acts of persons unnecessarily using firearms, whether licensed, permitted or not, in entertainment and other business establishments. It is the objective of this Article to ensure that the general public availing of the entertainment and services of these establishments are left secured with respect to their personal safety shielded from possible harm brought by acts of persons unnecessarily possessing and/or using such firearms.

Section 76. Definition of Terms. For purposes of this Article, the following terms are defined as follows:

- (a) Entertainment Establishment – refers to any place that offers entertainment to the general public that allows ingress and egress of persons to the establishment itself whether for a fee or for free which includes, but not limited to, movie houses, theaters, videoke or sing along bars, disco clubs whether enclosed or not;

⁷² Section 4, par. 1, *Ibid.*

⁷³ Section 4, par. 2, *Ibid.*

⁷⁴ Section 5, *Ibid.*

- (b) Other Business Establishment – refers to any place that deals business with the general public that allows ingress and egress of persons to the establishment itself that includes, but not limited to, hotels, motels, lodging houses, restaurants, eateries, coffee shops, shopping arcades and internet cafes whether enclosed or not;
- (c) Firearms, Ammunitions and Explosives – refer to the firearms, ammunitions and explosives contemplated under Republic Act No. 8294, an Act Amending the provisions of Presidential Decree No. 1866 (as amended).⁷⁵

Section 77. Prohibited Acts. The following are considered prohibited acts.

- (a) Entertainment and Other Business Establishments are prohibited from allowing any person in possession of any firearm, ammunition or explosive from entering its business or store premises during business or store hours. Provided, that if the said person is a member of the Armed Forces of the Philippines (AFP), the Philippine National Police (PNP) or any duly constituted law enforcement agency, he can be allowed entry into the establishment after proper showing by legal documentation that he is legally permitted to carry such firearm, ammunition, or explosive by reason of an official mission inside the said premises or in hot pursuit therein relative to law enforcement inside the said premises. Provided, finally, that any firearm, ammunition and explosive duly turned over to the security personnel or security guard of the entertainment and other business establishment and thereafter deposited and registered in the proper safekeeping area or place within the said entertainment and other business establishment shall not be considered to have been brought inside said premises for purposes of this Article;
- (b) Any person in possession of any firearm, ammunition, or explosive is prohibited from entering any entertainment and other business establishment unless he is a member of the Armed Forces of the Philippines (AFP), the Philippine National Police (PNP) or any duly constituted law enforcement agency who by proper legal documentation is legally permitted to carry such firearm, ammunition, or explosive by reason of an official mission inside the said premises or in hot pursuit therein relative to law enforcement inside the said premises.⁷⁶

Section 78. Persons Liable. The following are liable under this Article:

- (a) The owner or operator of the entertainment and other business establishment who allows any person in possession of any firearm, ammunition or explosive to enter its entertainment and other business establishment. Provided, that if at the time any person in possession of any firearm, ammunition or explosive is allowed entry into the entertainment and other business establishment the said owner or operator is not present or that the said owner or operator is a juridical person, the President, General Manager, Manager, Head, Supervisor, or any responsible person who has actual management or supervision of the said entertainment and other business establishment at that time shall be liable. Provided, finally, that any firearm, ammunition and explosives duly turned over to the said security personnel or security guard and thereafter

⁷⁵ Section 3, Ord. No. 0232-06, s. 2006, known as the “Gun Control Ordinance of 2005”

⁷⁶ Section 4, *Ibid.*

deposited and registered in the proper safekeeping area or place within the said entertainment and other business establishment shall not be considered to have been brought inside the said premises for purposes of this Article;

- (b) Any security personnel or security guard assigned in the said entertainment and other business establishment who actually allows such person to enter the entertainment and other business establishment shall also be liable. Provided, that any firearm, ammunition and explosive duly turned over to the said security personnel or security guard and thereafter deposited and registered in the proper safekeeping area or place within the said entertainment and other business establishment shall not be considered to have been brought inside said premises for purposes of this Article;
- (c) Any person in possession of any firearm, ammunition or explosive who enters any entertainment and other business establishment other than the members of the Armed Forces of the Philippines, the Philippine National Police or any duly constituted law enforcement agency who by proper legal documentation is legally permitted to carry such firearm, ammunition or explosive by reason of an official mission inside the said premises or in hot pursuit therein relative to law enforcement inside the said premises. Provided, that any firearm, ammunition, and explosive duly turned over to the security personnel or security guard of the entertainment and other business establishment and thereafter deposited and registered in the proper safekeeping area or place within the said entertainment and other business establishment shall not be considered to have been brought inside the said premises for purposes of this Article.⁷⁷

Section 79. Penalty. The persons liable under this Article shall be penalized as follows:

- a. Those covered under Section 78, Paragraph (a) above and found guilty thereof shall be penalized with a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than one (1) year, or both, at the discretion of the court;
- b. Those covered under Section 78, Paragraph (b) above and found guilty thereof shall be penalized with a fine of not more than Three Thousand (P3,000.00) Pesos or imprisonment of not more than six (6) months, or both, at the discretion of the court;
- c. Those covered under Section 78, Paragraph (c) above and found guilty thereof shall be penalized with a fine of not more than Five Thousand (P5,000.00) Pesos or imprisonment of not more than one (1) year, or both, at the discretion of the court; Provided, that if the offender is a member of the Armed Forces of the Philippines (AFP), the Philippine National Police (PNP) and other duly constituted law enforcement agencies and not exempt from liability as provided in this Article, the penalties in its maximum shall be imposed; Provided, finally, that in case the possession of the offender of the firearm, ammunition or explosive is not

⁷⁷ Section 5, Ordinance No. 0232-06, s. 2006, known as the "Gun Control Ordinance of 2005"

duly permitted pursuant to applicable laws, he shall likewise be charged for such illegal possession in the proper courts accordingly under existing laws. ⁷⁸

Section 80. Administrative Sanctions. Entertainment and other business establishment covered by this Article shall provide within its premises an adequate safekeeping area where all firearms, ammunitions, and explosives of persons entering its premises shall be deposited after registration and identification. The said firearms, ammunitions and explosives so deposited shall be kept under lock and key and fully secured. This requirement shall be provided by entertainment and other business establishments covered by this Article within thirty (30) days from the effectivity of this Code;

In addition to the penal liabilities provided under Section 79, any violation by the owner, operator, manager, supervisor or other persons connected with the entertainment and other business establishments covered by this Code or any of the provisions of this Code shall subject the entertainment and other business establishments to administrative liabilities as follows: ⁷⁹

First Infraction	-	not more than P1,000.00
Second Infraction	-	not more than P3,000.00
Third and subsequent Infraction	-	cancellation and/or revocation of the business permit

Article S. Anti-Smoke Belching

Section 81. Definition of Terms.

1. Airshed - refers to areas with common weather and meteorological conditions and sources of air pollution which affect the interchange and diffusion of pollution in the surrounding atmosphere;
2. Ambient Air Quality - refers to the atmosphere's average purity in a broad area as distinguished from discharge measurements taken at the source of pollution or the present characteristics or nature of the surrounding atmosphere;
3. Air Pollution - means any alteration of the physical, chemical and biological properties of the atmosphere, or any discharge thereto of any liquid, gaseous or solid substances that will or is likely to create or to render the air resources of the country harmful, detrimental or injurious to public health, safety or welfare or which will adversely affect their utilization for domestic, commercial, industrial, agricultural, recreational or other legitimate purposes;
4. Compression Ignition Engine - means an internal combustion engine in which atomized fuel temperature is raised through compression, resulting in ignition, e.g. diesel engines;

⁷⁸ Section 6, Ord. No. 0232-06, s. 2006, known as the "Gun Control Ordinance of 2005"

⁷⁹ Section 7, *Ibid.*

5. Emission - means any measurable air contaminant, pollutant, gas stream or unwanted sound from a known source which passed into the atmosphere;
6. Emission Charge – refers to a fee corresponding to the quality, quantity, volume and toxicity of emissions from an industrial or mobile sources;
7. In-Use Vehicle - means a motor vehicle duly registered with the Land Transportation Office (LTO)
8. Mobile Source - means any vehicle/machine propelled by or through oxidation or reduction reactions, including combustion or carbon-based or other fuel, constructed and operated principally for the conveyance of persons or the transportation of property or goods, that emit air pollutants as a reaction product;
9. Motor vehicle - means any vehicle propelled by a gasoline or diesel engine or by any means other than human or animal power constructed and operated principally for the conveyance of persons or the transportation of goods;
10. Opacity - means the amount of light obscured by particulate pollution in the atmosphere
11. Particulate Matter or Suspended Particles - means a wide range of pollutants such as road dust, diesel soot, fly ash, wood smoke and aerosols suspended as particles in the air;
12. Smoke Opacity Meter (or Opacimeter) - means an instrument which determines the smoke opacity in exhaust gas emitted by the engine system;
13. Spark-Ignition Engine - means an internal combustion engine in which the air/fuel mixture is ignited by a spark plug, e.g. gasoline;
14. Standard of Performance - means a standard for emission of air pollutants which reflects the degree of emission limitation achievable through the application of the best system of emission reduction, taking into account the cost of achieving such reduction and any non-air quality health and environment impact and energy requirement as determined by the Department through the Bureau;
15. Motor Vehicle - means any vehicle propelled by a gasoline or diesel or by any means other than human or animal power constructed and operated principally for the conveyance of persons or the transportation of goods;
16. Motor Vehicle Registration (MVR) - refers to the official recording of a motor vehicle by the Land Transportation Office (LTO) subject to the conformance of the vehicle to the safety and emission standards provided under Section 21 of the Act, including the pre-evaluation of the documents/requirements pursuant to Section 5 of Republic Act 4136, as amended, otherwise known as the Land Transportation Code;

17. Medium/Heavy Duty Vehicles - refers to motor vehicles whose gross vehicle weight is greater than 3,500 kgs., in accordance with the definition contained in PNS 1891;

18. Light Duty Vehicles - are motor vehicles whose gross vehicle weight is equal to or less than 3,500 kgs., in accordance with the definition contained in Philippine National Standards (PNS) 1891. This also refers to "Light Commercial Vehicles".⁸⁰

Section 82. Applicability. This Article shall be made applicable within the entire territory and jurisdiction of the City of Davao;

Section 83. Protection of the Air Quality of the Davao City Airshed. In order to protect the air quality of the Davao City Airshed, the City shall require the payment of an emission discharge fee from all motor vehicle owners and operators, found to be using the Davao City Airshed as a receptacle for emission in excess of the Clean Air Act standards for motor vehicle emissions;

Section 84. Emission Standard and Emission Testing Procedure. As set forth in the Clean Air Act, the following are the emission standards and testing procedures for motor vehicles; as follows:

A. Emission Standard. The emission standard for in-use motor vehicles.

Emission standards for in-use motor vehicles equipped with compression ignition (diesel) engines shall be measured in terms of light absorption coefficient of the exhaust from the tailpipe, the value of which shall not exceed 2.5m⁻¹.

1.

	Naturally Aspirated	Turbo Charge	1,000 m increase In elevation
Registered for the first time prior to December 31, 2002	2.5	3.5	4.5
Registered for the first time on or after January 1, 2003	1.2	2.2	3.2

2. Emission standards for in-use motor vehicles equipped with spark ignition (gasoline) engines, excluding 2-stroke motorcycles shall be measured in terms of % by volume of Carbon Monoxide (CO) and parts per million Hydrocarbon as hexane (HC) using gas analyzer as follows:

⁸⁰ Section 2, Ord. No. 0280-06, s. 2006, otherwise known as the "Anti-Smoke Belching Ordinance of Davao City"

Vehicle Category	CO (5 by Volume)	HC (ppm as hexane)
Registered prior to January 1, 1997 at Idle	4.5	800
Registered on or after January 1, 1997 but before January 1, 2003 at Idle	3.5	600
Registered on or after January 1, 2003 at Low Idle At High Idle (rpm>2,500)	0.5 0.3(^=1+/0.03)*	100

*or in accordance with manufacturer's specification

3. Emission standards for in-use tricycles and motorcycles equipped with 2-stroke sparks ignition (gasoline) engines, shall be measured in terms of parts per million (ppm) Hydrocarbon as Hexane (HC) using gas analyzer, the value of which shall not exceed 7,800 ppm. Carbon Monoxide emissions standards shall follow that for gasoline engines as stated above.

B. Emission Testing Procedure. Roadside emissions testing procedure shall essentially conform to the procedures set in the IRR of R.A. 8749 (Annex B & C), as shown in Annex 1 (Free Acceleration Test for in-use Compression Ignition (Diesel) Motor Vehicles Equipped with Spark Ignition (Gasoline) Engines.⁸¹

Section 85. Davao City Anti-Smoke Belching Unit. The Pollution Management Section of the City Environment and Natural Resources Office (CENRO) shall serve as the Anti-Smoke Belching Unit (ASBU) of the City;

Section 86. Functions of the City ASBU. In addition to being the primary enforcement unit for this Article, the ASBU shall also be responsible in performing the following related functions:

- A. Develop and regularly update the anti-smoke belching program or related plans of the City;
- B. Conduct regular roadside inspections with the assistance of the Traffic Management Center (TMC)
- C. Coordinate with the City Treasurer's Office in the collection of the Discharge Fees and the adoption of a Ticketing System;
- D. Conduct an IEC campaign in coordination with the concerned government agencies and other organizations to assist the City's transport sector players in complying with this Article;
- E. Maintain record of apprehensions in relation to the violations of this Article and prepare a regular report thereon;
- F. Participate as a member of the DOTC-led Private Emission Testing Center (PETC) monitoring team;

⁸¹ Section 5, Ordinance No. 0280-06, s. 2006, known as "The Anti-Smoke Belching Ordinance"

- G. Perform such other functions as may be deemed necessary in the implementation of this Article.⁸²

Section 87. Emission Discharge Fees . All motor vehicle owners or operators found operating motor vehicles in excess of the allowable emission standards shall be liable to pay an Administrative Fine, in the amount of One Thousand (P1,000.00) Pesos for every violation, without prejudice to prosecution under existing laws;

All fees collected shall accrue to the City's fund.

Section 88. Support Fund. The City shall ensure the provision of necessary funds to support the full implementation of this Article.

Section 89. Coordination with National Government Agencies. The City shall coordinate with the Technical Education and Skills Development Authority (TESDA) in implementing mandatory certification training & assessment for all LGU-ASBU personnel. All City ASBU personnel must have passed said training and assessment before they are authorized to enforce this Article. The City shall also regularly coordinate with and update the Regional Office of DENR through its Environmental Management Bureau (EMB); the Department of Trade and Industry (DTI); Department of Energy and the DOTC-LTO, and the Air Governing Board on the implementation status of its Anti-Smoke Belching campaign;⁸³

Section 90. Monitoring of Private Emission Testing Center (PETC). In coordination with concerned National Government Agencies and civil societies, the City Government of Davao shall participate in the monitoring of PETCs operating within Davao City. The Business Bureau shall cancel/revoke business permit of PETCs found violating the rules and regulations on accreditation and the authorization as implemented by the DTI and LTO, respectively, or any act or omission designed to circumvent the provisions of related laws;

Section 91. Voluntary Emission Testing. To assist the motor vehicle owners in assessing their motor vehicle's emission efficiency, the City shall facilitate the voluntary conduct of emission testing for a minimum fee of One Hundred Pesos (Php100.00) for light motor vehicles and One Hundred Fifty (Php150.00) for heavy motor vehicles. Result of this test cannot be used as basis for the renewal of registration of the said motor vehicle or exemption from apprehension. To ensure test results accuracy, the City Government shall regularly calibrate its emission testing equipment. Proceeds of the voluntary testing fees shall accrue to the City fund;⁸⁴

Section 92. Participation of Civil Society Constituents. The City shall enjoin its local non-government organizations, academe-based groups, and other civil society organizations to volunteer and participate in the activities of its Anti-Smoke Belching program.

⁸² Sections 6 and 7, *Ibid.*

⁸³ Section 10, Ord. No. 0280-06, known as "The Anti-Smoke-Belching Ordinance of Davao City"

⁸⁴ Section 12, *Ibid.*

Article T. Davao (Bangoy) International Airport Safety

Section 93. Statement of Policy. It is the policy of the City Government of Davao in cooperation with the Air Transportation Office (ATO) and other agencies to ensure the safety and security at the airport and all its users such as aircrafts, crew and passengers, as well as residents at its perimeter. It shall likewise be the policy to adhere to international standards to make the airport attractive to airlines and visitors as the gateway of the country in southern Philippines. ⁸⁵

Section 94. Safety Measures & Prohibited Acts. To ensure the safety and security of the airport, aircrafts, crew, passengers and residents at the perimeter of the airport complex, the following safety measures and prohibited acts shall be enforced:

- a) No kite(s), balloon (s), remote controlled plane(s) shall be flown or caused to be flown within the distance of 8 kilometer radius from the center of the airport and within 12 kilometers (7.5 Nautical Miles) of the final approach of Runway 23 in Barangay Sasa and Runway 05 in Barangay Anglionto and Barangay Buhangin;
- b) No person/s shall be allowed to raise doves or pigeons within the distance of 5 kilometer radius from the fence of the airport unless placed in safe and secured cage/s
- c) No person/s shall enter, and no vehicle/s animal/s of any kind shall be allowed to enter, or loiter within the premises of the airport and other designated areas of the airport complex such as the ramp, perimeter road, runway, and General Aviation Areas without permission from the Air Transportation Office (ATO) in addition to the mandatory inspection conducted by designated law enforcement agencies;
- d) No person/s shall be allowed to play or cause to play any remote controlled cars or vehicles at the airport tarmac, runway and other areas without the permission of the ATO;
- e) No person/s shall be allowed to act as porter/s, or canvass or solicit passenger/s coming from commercial flights within the premises of the airport without the permission from the ATO;
- f) No person/s shall be allowed to engage in any form of business within the premises of the airport without permission from the ATO and necessary permits from the City Government, ⁸⁶

Section 95. Penalty. Any person, or in the case of corporations, partnerships or associations their President or Manager, found guilty of violating the provisions of this Article shall, upon conviction, be punished with the following penalties:

⁸⁵ Section 2, Ord. No. 019-07, "Davao (Bangoy) International Airport Safety Ordinance of 2007"

⁸⁶ Section 3, *Ibid.*

- | | | |
|----------------|---|---|
| First Offense | - | Fine of One Thousand Pesos (P1,000.00) or imprisonment of fifteen (15) days or both at the discretion of the Court |
| Second Offense | - | Fine of Three Thousand Pesos (P3,000.00) or imprisonment of fifteen (15) days or both at the discretion of the Court |
| Third Offense | - | Fine of Five Thousand Pesos (P5,000.00) or imprisonment of thirty (30) days or both at the discretion of the Court. ⁸⁷ |

Section 96. Implementation. The City Mayor, in coordination with the ATO, Barangay Officials and other agencies shall formulate the necessary Implementing Rules and Regulations (IRR) to effect the proper and orderly implementation of this Article;

Section 97. Information Dissemination and Education. An information and education campaign shall be undertaken to properly inform the public regarding this Article.⁸⁸

Other Related City Ordinances

SIGNAGE ORDINANCE OF DAVAO CITY
(Ordinance No. 092, series of 2000)

REGULATING MOTORCADES WITHIN THE TERRITORIAL JURISDICTION OF DAVAO CITY
(Ordinance No. 0190-09, series of 2009)

⁸⁷ Section 4, Ord. No. 019-07, known as the “Davao (Bangoy) International Airport Safety Ordinance of 2007”

⁸⁸ Sections 5 & 6, *Ibid.*

CHAPTER IV
BUILDING REGULATIONS

Article A. Building and Other Constructions' Signboard/Billboard

Section 1. Regulated Acts. In addition to the requirements provided for in Rule II, 1.8.5 of the Rules and Regulations of the National Building Code (P.D. No. 1096), all owners of privately-owned buildings/works shall be required to put up and maintain a signboard/billboard containing the following information from the start until the completion of said construction work:

1. Official business address (main and local) of the owner/s, contractor's, architect/s, and engineer/s involved in the construction;
2. Name and official business address (main and local) of the subcontractor/s of the project;
3. Name and official business address (main and local) of the project manager/s or project management team.⁸⁹

Section 2. Administrative Provision. The City Engineer's Office and the City Treasurer's Office shall conduct a regular inspection of buildings in Davao City at least once every quarter of each year.

Section 3. Penalties.⁹⁰

- a. Failure to comply with the requirements provided for in this Article shall be a ground for the non-issuance, suspension or revocation of the building permit.
- b. Violators of this Article shall be fined in the amount not less than P2,000.00 but not more than P4,000.00.

If the violator is a juridical entity, such fine shall be imposed in the maximum.

Article B. Numbering of Buildings

Section 4. Regulated Act. All dwelling houses or other buildings erected or fronting any street, lanes and alleys of the City shall be numbered in accordance with the system and plan prepared by the City Engineer and approved by the Sangguniang Panlungsod. The books containing the said system and plan shall be a public record on file in the Office of the City Engineer, and shall be open for inspection during office hours.⁹¹

Section 5. Administrative Provisions. The City Mayor shall be authorized to negotiate for a contractor to undertake the provision of revising and updating the system of the numbering of the houses in the City in accordance with the provisions of this Chapter under the following terms and conditions:

⁸⁹ Section 3, Ord. No. 069, s. 2000 "Building & Other Constructions Signboard/Billboard Ordinance"

⁹⁰ Section 5, *Ibid.*

⁹¹ Section 34, Chapter VI, Ord. No. 1, s. 1974 "Davao City Tax Ordinance of 1974"

1. That the contractor shall advance the costs of all the materials, labor and services for the manufacture of the plate numbers;
2. That the contractor shall undertake at his own expense the distribution and delivery of the corresponding plate number to every house or building owner;
3. That the contractor shall collect the cost per plate directly from the house or building owner and issue the corresponding receipt therefor;
4. That the contractor shall distribute and deliver the plate numbers in accordance with the rules and regulations promulgated by the City Engineer and duly approved by the Sangguniang Panlungsod;
5. That the price to be submitted by the contractor under this provision shall not exceed the government price provided for under the DOPS SYSTEM; and;
6. That the proposed contract between the City of Davao, as represented by His Honor, the City Mayor, and the contractor as a result of the negotiation as authorized under the section shall be forwarded to the Sangguniang Panlungsod for approval. ⁹²

Section 6. Rules and Regulations.

A. *Placing of Numbers.* It shall be the duty of every owner of a dwelling house or other buildings situated within the City of Davao to place number plate at the expense of the owner. The City Engineer is authorized to cause the numbering of houses and buildings. In preparing the plate for house number, the maker of the plate must assume that all numbers are of the same size, 10 m. high and .055 m. wide and that is the Nos. – 1 – 2 – 3- 4 – 5 – 6 –7 – 8 – 9 – 0 must occupy the same size of .10 m. in height and .055 m. width. When several numbers are to be combined in a plate, the spaces between numbers is .014 m. and .007 m. at the end numbers. Besides all the spaces mentioned above, a margin of .01 m. on all sides whatever the house number may be, will complete the size of the plate.

In painting the numbers, the stroke must be of .0125 m. wide with white color for the numbers and pure prussian blue for the background. A white border line of .002 m. must be painted at the edges of the plate.

The strokes for number 1 being the only narrow number must be .0125 m. in the middle of the space assumed of .10 x .055 m. with a base of .03 m. having the same stroke .0125 m.

It will be observed that the space between number 1 and any other number when combined becomes wider due to the narrow structure of the number (1).

It is to be understood that no final certificate shall be issued on any building until the plate number made in accordance with the above instructions is placed. If the owner of the house desires to place his or her own plate number of better materials and design, he or she may do so with the previous approval of the City Engineer, in which case the said owner will defray the expenses.

B. *Manufacturing of Plate Numbers.* The successful bidder/maker shall assure that all numbers are of the same sizes: 0.07 m. high and 0.036 m. wide, that is the numbers 1-2-3-4-5-6-7-8-9-0 must occupy the same space of 0.07 m. in height and

⁹² Section 37-A, Ord. No. 1, s. 1974 “Davao City Tax Ordinance of 1974”

0.035 in width. When several numbers are to be contained in a plate, the spaces between numbers, is 0.01 m. and 0.02 m., at the end numbers. Besides all the spaces above mentioned, a margin of 0.01 m. in all sides of the plate number shall be provided for. All numbers and letters shall be embossed.

In preparing and painting of the numbers, the strokes must be 0.0075 m. wide with “codit” (for G.I. sheet), reflectorized white color for the numbers and pure prussian blue for background. A white border line of 0.002 m. wide should also be embossed around the edges of the plate.

The strokes of number 1 being the only narrow number must be 0.0075 m. wide with a base of 0.018 m. having the same stroke of 0.0075 m. wide. It will be observed that the space between number 1 and any number when combined becomes wider due to the narrow structure of number 1. The plate shall be cut from gauge No. 31 galvanized iron sheet the durability of which shall be guaranteed by the successful bidders.

The successful contractor shall undertake a thorough survey of the houses and other buildings within the poblacion of the City of Davao including all the subdivision outside the poblacion, the central areas of Calinan, Tugbok, Mintal, Toril, Daliao, Sasa, Tibungco, Bunawan and Lasang and determine such house/building numbers that may be manufactured and placed in accordance with the plans and schemes which will be furnished by the City Engineer. The result of such survey shall be submitted to the City Engineer for his approval before the manufacture and placing of plate number shall be made.

C. Altering, defacing and the like. It shall be unlawful for any person to take down, alter or deface any number plate, or to retain an improper number or to substitute or to place any other number or plate on the house or building other than the one prescribed and made by the City Engineer in accordance with the preceding section. This section shall not prohibit the replacement of the worn-out or illegible number plates, by a new plate, bearing the same number as the old one.⁹³

Section 7. *Penalty.* Any violation of the provisions of this Article shall be punished by a fine of not less than TEN PESOS (P10.00) nor more than FIFTY PESOS (P50.00), for each offense.⁹⁴

Article C. Construction of Building and other Structures along San Pedro Street, Davao City

Section 8. *Regulated Acts.*

1. All buildings and other structures along both sides of San Pedro Street from Bolton to Quirino Avenue, sixty (60) meters from the centerline of the said street, shall be of reinforced concrete (hollow block included) construction except minor interior parts such as partitions, ceilings, and roofing subject to the provisions of Chapter XIII of the Revised Building Ordinance of the City of Davao. The floors of the buildings including mezzanine floors may either be wooden or concrete. Roofing shall be of

⁹³ Sections 36 & 37, Ord. No. 1, s. 1974, “Davao City Tax Ordinance of 1974”

⁹⁴ Section 2, Ord. No. 114, s. 1970 “Amending Ord. No. 78, s. 1946, otherwise known as the Revised Building Ordinance”

cement, galvanized iron or other materials, not hazardous to health. If corrugated galvanized iron is to be used, it shall be at least gauge 24.

2. Sidewalls of buildings and other structures less than three (3) meters distance from the adjacent property line shall have no window or door opening whatsoever, except if such window and/or door are of steel. Provided, however, that no opening shall be made if the distance of the building and/or structure or portion thereof is less than two (2) meters from the adjacent property line.
3. There shall be no common firewall between individual buildings, which must be individually surrounded by firewalls except buildings with walls of reinforced concrete as provided for in Section 8 no. 1 hereof, provided, however that when the owners of two adjacent small lots shall construct one single building on the same plan, they shall be exempt from such a firewall between the portions they occupy; and provided further, that sidewalls of buildings constructed inside lots with outside firewalls of concrete or of hollow blocks may be of galvanized iron or of non-inflammable materials with reinforced concrete framing.⁹⁵

Section 9. *Penalty.* The owner of any building and/or structures who violates or fails to comply with the provisions of this Article shall be punished by a fine of not less than FIVE HUNDRED (P500.00) PESOS but not more than ONE THOUSAND (P1,000.00) PESOS, or by imprisonment of not less than thirty (30) days but not more than six (6) months or by both fine and imprisonment, at the discretion of the Court.

Provided, However, That in case the owner of the building and/or structure so constructed in violation of the provisions of this Article is found guilty by competent court, the City Engineer is empowered to order the owner of such building and/or structure to correct the defect or defects within thirty (30) days, and in case he fails to do so, the City Engineer shall revoke the building permit issued for such building and proceed to demolish said illegal construction.⁹⁶

Article D. Lighting Facilities and the Placing of Partitions in Establishments with Massage Centers

Section 10. *Prohibited Acts.*

1. It shall be prohibited to install permanent or wooden partition around a bed or in between beds inside a massage clinic or center within the premises of a barbershop and/or massage clinics or centers established independently;
2. It shall be prohibited to enclose beds used for massage purposes by an enclosure which completely covers said beds from public view;
3. Massage beds referred to in this Article shall be enclosed only by curtains which are movable or sliding, provided however, that the placing of sliding curtains or any enclosure at the entrance, foot or head of a massage bed to

⁹⁵ Section 1, Ord. No. 85, s. 1964 "Regulating the Construction of Buildings & Other Structures"

⁹⁶ Section 4, *Ibid.*

prevent a massage customer and the barber helper from being completely exposed to public view, shall be prohibited;

4. It shall be prohibited to use colored bulbs or lights inside massage clinics or centers and the same shall be adequately lighted when open for business; and
5. It shall be prohibited to establish a bar or restaurant inside a barbershop, massage clinic or center as referred to in this Article. ⁹⁷

Section 11. *Penalty.* Any violation of the provisions of this Article shall subject the operator, manager or proprietor to a fine of P200.00 and the same shall be a ground for the cancellation of his permit to operate a barbershop or massage center or clinic. ⁹⁸

Article E.

Construction of Houses and/or Buildings within the 50 Meters Distance along the Seashore of Talomo Beach

Section 12. *Prohibited Act.* Construction of houses and/or buildings within the fifty (50) meters distance from the highest tide mark along the seashore of Talomo Beach of Davao City is strictly prohibited. ⁹⁹

Section 13. *Administrative Provision.* The City Engineer is hereby empowered to enforce the provision of this Article.

Section 14. *Penalty.* Any violation of the provisions of this Article shall be punished by a fine of not less than P50.00 nor more than P200.00 or by imprisonment for a period of not more than six (6) months, or both such fine and imprisonment at the discretion of the Court. ¹⁰⁰

Article F. Use of the Roof Gardens of Buildings

Section 15. *Rules and Regulations.*

- 1) Roof gardens of buildings, if and when used as refreshment parlor, bar, night club, restaurant, floor or stage show and/or other public use and if and when parties and social gatherings are to be held thereat shall conform with the following requirements:
 - a) Shall be provided with sufficient fire escapes or stairs;
 - b) Outer walls shall be of reinforced concrete hollow blocks five feet high with one fourth (1/4) inch wire mesh, three (3) feet high over such walls. If the side of the building is fronting a street or open court, the width of which is not less than ten (10) meters, the height of the reinforced

⁹⁷ Sections 1 to 5, Ord. No. 452, s.1973 "Regulating the lighting & Placing of partitions in Massage Clinics or Centers within the premises of Barbershops, etc."

⁹⁸ Section 6, *Ibid.*

⁹⁹ Section 1, Ord. No. 999, s.1974 "Prohibiting the Construction of Houses and/or Buildings within the 50-meter distance from the highest tide level along the seashore of Talomo Beach"

¹⁰⁰ Section 3, *Ibid.*

concrete or concrete hollow block wall may be reduced to a minimum of four (4) feet without the necessity of providing the wire mesh over said wall.

- 2) Roof gardens of buildings not in conformity with the above mentioned requirements shall not be allowed, in any case, to be used as refreshment parlor; bar, night club, restaurant, floor or stage show or other public use. The City Mayor shall order the closure of such establishment unless the requirements of this Chapter are complied with. ¹⁰¹

Section 16. Penalty. The owner of the building or any person who shall violate any provision of this Article shall be punished by a fine of not less than Fifty Pesos (P50.00) but not more than Two Hundred Pesos (P200.00), or by imprisonment of not less than Thirty (30) days but not more than six (6) months, or both such fine and imprisonment at the discretion of the Court. ¹⁰²

Article G. Fire Walls in Delimited Districts

Section 17. Regulated Acts.

1. No bodegas or structures of more than 100 square meters which is intended for the storage of copra, abaca, ramie, and other less inflammable materials shall be constructed in industrial and commercial sections and congested areas, unless the side walls are of reinforced concrete or cement hollow-blocks and to extend one and one half (1 ½) meters above the roof; subject to the provisions of PD 1096.
2. All panels for doors, exits or apertures intended for its routine use shall be constructed of steel sheet panels of not less than 1/8 inch attached or welded to steel frames or other heat resisting materials;
3. No openings or windows shall thereafter be constructed on walls of the bodegas without the expressed approval or permit from the Bureau of Fire Protection. ¹⁰³

Article H. Business Establishments to Provide Reflectorized Fire Exit Signs

Section 18. Regulated Acts. All business establishments such as restaurants, movie houses, supermarkets, shopping centers, department stores, cocktail lounges, beer houses, saunas, coliseums, assembly halls, hotels, motels, night clubs, dormitories, pub houses, auditoriums and the like in the City of Davao, are hereby required to provide reflectorized fire exit signs the lettering to measure not more than six (6) inches in height, to be placed in conspicuous spaces of the buildings where said establishments are located. ¹⁰⁴

¹⁰¹ Sections 1 & 2, Ord. No. 441, s.1965 "Regulating the Use of Roof Gardens of buildings"

¹⁰² Section 3, *Ibid.*

¹⁰³ Section 1, Ord. No. 9, s.1957 "Amending further the Building Ordinance of Davao City"

¹⁰⁴ Section 1, Ord. No. 419, s.1983 "Requiring Business Establishments to provide reflectorized fire exit signs"

Section 19. Administrative Provision. The City Engineer is hereby directed to implement the provisions of this Article.

Section 20. Penalty. Failure to comply with the provisions of this Article after due notice shall be fined in the amount of Two Hundred Pesos (Php200.00) and imprisonment of not more than one (1) month, or both, at the discretion of the Court.¹⁰⁵

**Article I. Owners of Commercial Buildings to Provide
Sufficient Lighting Facilities at the Parking Lots
and the Posting of Security Guards**

Section 21. Regulated Acts. All commercial building owners, whose Building Permits are issued requiring space for parking areas within the vicinity of the buildings, pursuant to the provisions of the National Building Code, are hereby required to provide the necessary and sufficient lighting facilities at the parking lots of the said commercial buildings and posting of security guards thereat for the security and safety of the vehicles of its customers.¹⁰⁶

Section 22. Penalty. Any violation of the provisions of this Article shall be fined in the amount of Two Hundred Pesos (Php200.00) or an imprisonment of one (1) month, or both, at the discretion of the Court.¹⁰⁷

CHAPTER V

SOCIAL SERVICES

Article A. Pauper's Burial

Section 1. Administrative Provision. The Program shall only be available to indigent residents of the City of Davao. The deceased and/or his/her living family must be residents and/or inhabitants of the City of Davao as certified by their respective Punong Barangay or his duly authorized representative.

Section 2. Definitions of Pauper:

a) Any person or family who has no means at all of even supporting himself/themselves or without means of livelihood;

b) Any person or family who is so poor that he/they must be supported at public expense;

¹⁰⁵ Section 3, Ord. No. 419, s.1983 "Requiring Business Establishments to provide reflectorized fire exit signs"

¹⁰⁶ Section 1, Ord. No. 418, s.1983 "Requiring owners of commercial buildings whose building permits were issued pursuant to the National Building Code, to provide sufficient lighting facilities at the parking lots thereof"

¹⁰⁷ Section 3, *Ibid.*

c) Any person or family who has no property or income sufficient for their support aside from their labor. ¹⁰⁸

Section 3. Rules and Regulations.

a. No person can avail of the services of the program except upon approval of the City Mayor or his duly authorized representative upon certification and recommendation from the City Social Services and Development Office (CSSDO), which shall determine the financial status and condition of the prospective beneficiary and his/her family, as well as from the City Health Office (CHO). ¹⁰⁹

b. The CSSDO and the CHO shall be responsible in the disposal of the remains of the indigent deceased for medical and/or scientific purposes in accordance with laws, rules and regulations of the Department of Health and City Health Office.

c. The City Government of Davao may enter into a contract with a legitimate funeral parlor operating within the City of Davao to perform the funeral services.

d. The City General Services Office (GSO) shall be authorized to call for bids for the disposal of the indigent's remains, which bidding shall be made every year. The Committee on Bids and Awards Committee shall determine the lowest bid and certify the same to the City Mayor who shall enter into the corresponding contract to be drawn in accordance with this Article.

e. The City Government of Davao shall provide for a limited financial assistance in the amount of Two Thousand Pesos (P2,000.00) only.

f. The City Government of Davao through its authorized representatives, may cause the removal and exhumation of the cadaver or remains of the deceased and transfer the same before the expiration of the five-year period; provided, that a written consent is given by the next of kin or the nearest kin of the deceased. However, if public safety, public health and public order so requires, the City Government shall have the authority to remove whatever remains left inside the burial space with or without the consent of the next of kin or the nearest kin of the deceased;

g. Should any of the next of kin or the nearest kin of the deceased decide to remove the remains of the deceased and transfer the same before the expiration of the five-year period, a written request shall be sent to the Office of the City Mayor and Office of the City Health Officer who shall act accordingly on the request for removal;

h. Any improvement introduced on the burial space or ground shall belong to the City of Davao without any obligation of paying or reimbursing the cost of the improvements.

i. The Book of Register and/or Certificate of Death shall be kept and encoded to record, among others, the name of the deceased, personal data, cause of death, date and time of death, certification of the District Health Officer or Medico-Legal as to the cause of death, name and address of funeral parlor, certification of embalming, date of burial, name and address of cemetery, certificate of no landholding from the City Assessor's Office, recommendation and certification of the CSSDO that the prospective

¹⁰⁸ Section 2, Ord. No. 088-03, s. 2003 "Regulating the Disposal of Remains of Deceased Persons or Paupers & the Shipment of the same"

¹⁰⁹ Section 3, *Ibid.*

beneficiary and his/her family is indigent as defined in this Article, and approval of the City Mayor thru his duly authorized representative. The Book of Register and/or Certificate of Death shall be considered as a public and official document. The City Civil Registrar's Office shall be responsible for the maintenance and safekeeping of said Book of Register/Certificate of Death and shall cause the availability and production of copy/ies of said document upon formal written request. ¹¹⁰

j. The City Social Services and Development Office (CSSDO), in coordination with the City Health Office (CHO), is authorized to promulgate rules and regulations necessary to implement and achieve the purpose of this Article.

Article B. Unclaimed Cadavers

Section 4. Regulated Act. Funeral parlors shall take photographs or pictures and fingerprints of unclaimed cadavers before their interment. Unclaimed cadavers shall be submitted for autopsy and copies of their photographs and fingerprints including the results of autopsy must be furnished the PNP Chief and the City Health Officer for identification purposes. ¹¹¹

Article C. Burial Assistance to War Veterans

Section 5. Declaration of Policy. It shall be the policy of the City Government of Davao to give due recognition to the valiant contributions given by war veterans in times of war who are exemplars of patriotism and self-sacrifice. ¹¹²

Section 6. Administrative Provision. The burial assistance program shall be available to World War II Veterans and/or Korean War Veterans who are residents of Davao City.

Section 7. Definition of Terms:

- a. "Veteran" shall refer to a resident of Davao City who has rendered military service to the Republic of the Philippines during the Second World War and/or the Korean War.
- b. "Children" shall refer to the sons and/or daughters of the deceased veteran by blood, legitimate or illegitimate, and to his children by fiction of law, such as by adoption.
- c. "Spouse" shall mean the wife of the veteran under a valid marriage.
- d. "Relative" shall mean a member of the family of the veteran within the fifth civil degree of consanguinity.

¹¹⁰ Section 5, Ord. No. 088-03, s. 2003 "Regulating the Disposal of the Remains of Deceased Persons of Paupers & the Shipment of the same"

¹¹¹ Section 1, Ord. No. 845, s. 1993 "Requiring funeral parlors to take photographs or pictures & fingerprints of unclaimed cadavers for identification purposes before burial"

¹¹² Section 2, Ord. No. 018-01, s. 2001 "Granting Burial Assistance to War Veterans of Davao City"

- e. "Entitled heir" shall mean the heir ultimately entitled to the financial burial assistance, determined after applying the rules for entitlement as hereinafter provided. ¹¹³

Section 8. *Entitled Heirs.* The deceased veteran's surviving spouse, children and nearest surviving relatives by consanguinity shall be entitled to the financial burial assistance which shall be claimed once.

Section 9. *Financial Burial Assistance.* Upon the death of a war veteran, his heir/s shall be entitled to a financial burial assistance of Ten Thousand (P10,000.00) Pesos, upon compliance with the requirements as provided in this Article.¹¹⁴

Section 10. *Rules for Entitlement to Claim.* The following rules shall be observed in determining the entitled heir:

- a. The heir/s shall be entitled to the financial burial assistance in the order that they appear in Section 8 hereof;
- b. The deceased veteran's children or relatives cannot receive the burial assistance if the surviving spouse comes forward to claim the same. A claim by the deceased veteran's surviving spouse shall exclude claims by his children and relatives. The surviving spouse shall be deemed an entitled heir only upon due presentation of their marriage certificate.
- c. If the veteran's spouse had predeceased him, a claim by his children shall exclude claims by his relatives. Among the children, priority shall be given to the child with whom the veteran last resided or to the eldest child. To be deemed an entitled heir, the filiation or relationship of the child or relative to the veteran may be proven by the presentation of birth certificates. ¹¹⁵

Section 11. *Requirements for the Claim.* The entitled heir may collect the financial burial assistance only upon presentation of the following requirements:

- a. Death certificate, to prove the fact of the veteran's death;
- b. A certification, that the deceased is a veteran as defined by Section 7(a) hereof, from the Office of the Adjutant, General of the Armed Forces of the Philippines (OTAG) or, in lieu thereof, a certification from the appropriate post commander of the Veteran's Federation of the Philippines of the post to which the deceased veteran belong at the time of his death;
- c. An Honorable Discharge Certificate or certification as pensioner from the Office of the Adjutant General (OTAG);
- d. A certification from the Philippine Veteran Affairs Office that the deceased was receiving pension therefrom; and

¹¹³ Section 3, Ord. No. 018-01, s. 2001"Granting Burial Assistance to War Veterans of D. C."

¹¹⁴ Section 4, *Ibid.*

¹¹⁵ Section 6, *Ibid.*

- e. Any certification which will prove that the deceased veteran was a resident of Davao City for at least five (5) years, counted back from the time of his death.¹¹⁶

Section 12. *Period within which to file the Claim.* A written claim for the financial assistance must be submitted to the City Accountant within six (6) months from the death of the veteran. The City Accountant shall see to it that within thirty (30) days, the full amount of the financial burial assistance is released to the entitled heir.

**Article D. Establishment of the Overseas Filipino Workers (OFW)
Center of Davao City**

Section 13. *Declaration of Policy.* It shall be the policy of the City Government of Davao to give full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all. In pursuit of an independent foreign policy and while considering our national sovereignty, territorial integrity, national interest and the right to self-determination paramount in its relations with other states, the City of Davao shall at all times uphold the dignity of its citizens whether in the country and overseas, in general, and Overseas Filipino Workers in particular. Towards this end, it shall pursue and implement programs and policies that shall afford protection to OFWs and their families, promote their interests and safeguard their welfare, taking into consideration their vulnerabilities and for their efforts of empowerment and self-determination, and adopt and implement measures for the ultimate protection and promotion of their rights.¹¹⁷

Section 14. *Guiding Principles.*

1. While recognizing the significant contribution of Overseas Filipino Workers to national economy through their remittances, the City Government of Davao shall, in coordination with national agencies, ensure the full protection of OFWs through its programs for social services, legal protection and gender and development;
2. The existence of OFW Center of Davao City and its programs rests solely on the assurance that the dignity and fundamental human rights and freedom of Overseas Filipino Workers shall not at any time be compromised or violated;
3. The City Government of Davao affirms the fundamental equality before the law of women and men and recognizes the significant role of women in nation building. It shall pursue and implement a gender responsive development policy and design an integrated gender and development support systems taking into consideration women OFWs' particular vulnerabilities for abuse, health risks and special support for their families;
4. The Overseas Filipino Worker, documented or undocumented, shall be adequately protected and safeguarded and shall not be denied legal assistance, free access to court and quasi-judicial bodies, and support for repatriation program shall be guaranteed.

¹¹⁶ Section 7, Ord. No. 018-01, s. 2001 "Granting Burial Assistance to War Veterans of D. C."

¹¹⁷ Section 2, Ord. No. 056-08, s. 2008 "Establishment of an Overseas Filipino Workers Center"

Section 15. Definition of Terms. For purposes of this Article, the term: ¹¹⁸

“OFW” refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a state of which he or she is not a legal resident, to be used interchangeably with migrant worker.

“Overseas Filipino Workers in Distress” OFWs shall be deemed in distress in cases where they have valid medical, psychological or legal assistance problems requiring treatment, hospitalization, counseling and legal representation or any kind of intervention with the authorities in the country where they are found;

“OFW dependents” refer to the spouse, descendants and ascendants, brothers and sisters whether legitimate or illegitimate;

“Repatriation” refers to the transport of distressed and deceased workers including their personal belongings to Davao City;

“Illegal Recruitment” shall mean any of the acts under Article 13 (f) of the Labor Code of the Philippines and under Section 6 of Republic Act 8042;

“Trafficking” refers to the recruitment, transportation, transfer or harboring or receipt of persons with or without the victim’s consent or knowledge, within or across national borders by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs;

“Documented OFW” refer to those who possess valid passports and visas or permits to stay in the host country and whose contracts of employment have been processed by the POEA if required by law or regulation, or those registered by the Philippine Embassy abroad;

“Undocumented OFW” refer to those who do not fall under the preceding definition;

“Recruitment/Employment Agency” refers to any person, partnership or corporation duly licensed by the Secretary of Labor and Employment to engage in the recruitment and placement of workers for overseas employment for a fee which is charged, directly or indirectly, from the workers or employers, or both; and

“Davao City resident” refers to a resident of Davao City for one (1) year and is a registered Overseas Filipino Workers (OFW) member.

Section 16. Organization. The Overseas Filipino Workers Center or OFW Center of Davao City shall be under the City Mayor’s Office, which shall act as the coordinative, regulatory and monitoring body of the City Government to focus on OFW issues and concerns and to be an office rendering direct services to any OFW and to OFW dependents.

¹¹⁸ Section 4, Ord. No. 056-08, s. 2008 “Establishment of an Overseas Filipino Workers Center”

Section 17. Functions. The OFW Center of Davao City shall have the following functions, *viz.*¹¹⁹

a. Monitoring and Coordinative Functions

1. Establishes close linkages with the Department of Labor & Employment (DOLE), Department of Foreign Affairs (DFA), Philippine Overseas Employment Administration (POEA), Overseas Workers Welfare Administration (OWWA) and other government agencies as well as with non-government organizations assisting migrant workers, to ensure effective coordination and cooperation in all migrant workers' concerns and issues;
2. Provides the mechanism to ensure active and full participation of the private sector and the citizenry through their organizations in the planning and implementation of identified programs and projects for migrant workers;
3. Conducts researches for data banking which shall serve as basis for development programs and services, in coordination with their concerned government agencies;
4. Re-integration Program for Overseas Filipino Workers.

b. Regulatory Functions

1. Ensures gender sensitive education and trainings for all migrant workers by establishing standards of course contents integrated in their Pre-Employment Orientation Seminar (PEOS);
2. Conducts continuous OFW profiling.

c. Direct Services

1. Provides legal assistance to include follow through of prosecution of OFWs' complaints, preliminary legal research, preparation of complaint and referral to lawyers (provided either by the Integrated Gender & Development Division and partner NGOs) should the need for court representation arises;
2. To coordinate medical, hospital, psychiatric and psycho-social intervention in coordination with the City Health Office and other concerned agencies for assistance to Overseas Filipino Workers;
3. Livelihood assistance for displaced OFWs in distress, including those OFWs who are victims of trafficking and illegal recruitment;
4. Psycho-social activities and therapy for children and families of OFWs;
5. Free direct line telephone services for OFW families and dependents;
6. Continuing advocacy initiatives in the promotion of OFWs' economic, social, educational and political empowerment; and

¹¹⁹ Section 6, Ordinance No. 056-08, s. 2008, "Establishment of an OFW Center"

7. To coordinate with concerned government agencies like OWWA, DFA, concerned embassies, for the return of the remains of Overseas Filipino Workers to Davao City.

Section 18. Staffing Pattern. The OFW Center shall maintain the following plantilla personnel in its operations and management, *viz:*

Number	Position	Salary Grade
1	Development Management Officer IV	22
1	Development Management Officer II	15
2	Social Welfare Officer I	11
1	Legal Researcher	13
1	Clerk II	04

Section 19. Budgetary Requirements. The Budget for the OFW Center's operations shall be taken from the Annual Budget and Annual Development Fund (5%) under the Social Amelioration Program. ¹²⁰

Other Related Codes or Ordinances

WOMEN DEVELOPMENT CODE OF DAVAO CITY
(Ordinance No. 5004, series of 1997)

HEALTH AND SANITATION ORDINANCE OF DAVAO CITY
(Ordinance No. 078, series of 2000)

PROMULGATING POLICIES & MEASURES FOR THE PREVENTION OF STI, HIV/AIDS
(Ordinance No. 041-02, series of 2002)

CHILDREN CODE OF DAVAO CITY, AS AMENDED
(Ordinance No. 0292-06, series of 2006)

COMPREHENSIVE SHELTER CODE OF DAVAO CITY
(Ordinance No. 014-07, series of 2007)

ESTABLISHING A HEARING SCREENING PROGRAM FOR ALL INFANTS IN DAVAO CITY
(Ordinance No. 0172-09, series of 2009)

¹²⁰ Sections 18 & 19, Ord. No. 056-08, s. 2008 "Establishment of an Overseas Filipino Workers (OFW) Center"

CHAPTER VI

BARANGAY AFFAIRS

Article A. Territorial Boundaries of Legislative Districts of Davao City
(Updated with the creation of barangays in Agdao District and new barangays from Pampanga)

Section 1. Territorial Boundaries of Legislative Districts ¹²¹

Districts	Territory	Boundaries
<p style="text-align: center;">District I</p> <p>Poblacion</p> <p>Talomo</p>	<p>Inclusive of the following:</p> <p>Barangays 1-A to 40-D</p> <p>Matina Crossing, Matina Aplaya, Bucana, Talomo, Catalunan Grande, Catalunan Pequeño, Matina Pangi, Ma-a, Magtuod, Langub, Dumoy, Baliok and Bago Gallera</p>	<p>Bounded by:</p> <p>Northeast: Brgys. Mandug, Tigatto, Waan, Buhangin and Agdao, all of Davao City</p> <p>Southeast: Davao Gulf</p> <p>West: Bangkas Heights, Bago Oshiro, Mintal, Tugbok, all of Davao City</p> <p>Northwest: Barangays Tacunan, Matina, Biao, New Valencia, all of Davao City</p>
<p style="text-align: center;">District II</p> <p>Agdao</p> <p>Buhangin</p> <p>Bunawan</p> <p>Paquibato</p>	<p>Inclusive of the following:</p> <p>Leon Garcia, Vicente Duterte, Lapulapu, Rafael Castillo, Ubalde, San Juan (Centro), Agdao Proper, Wilfredo Aquino, San Antonio, Paciano Bangoy, Kap. Tomas Monteverde</p> <p>Buhangin Proper, Sasa, Pampanga, Hizon, Angliongto, Acacia, Indangan, Communal, Cabantian, Mandug, Callawa, Tigatto & Waan</p> <p>Brgys. Lasang, San Isidro, Bunawan, Mahayag, Gatungan, Mudiang, Tibungco, Ilang & Panacan</p> <p>Malabog, Sumimao, Fatima, Paquibato Proper, Pañalum, Mabuhay, Paradise Embac, Mapula, Lumiad, Pandaitan, Colosas, Tapak</p>	<p>Bounded By:</p> <p>North: Davao Province</p> <p>East: Davao Province and Davao Gulf</p> <p>South: Davao Gulf</p> <p>Southwest: Brgys. Poblacion, Ma-a, Magtu-od, New Valencia, New Carmen, Talandang, Pangyan, Lampianao, Dalagdag, Megkawayan, Inayangan & Lamanan, all of Davao City</p> <p>West: Brgys, Bantol, Malamba, Gumitan, all of Davao City</p>

¹²¹ Section 1, Ord. No. 14, series of 1987 “Adopting the Proposed Legislative Districts of Davao City and the Map designating the boundaries thereon”

Districts	Territory	Boundaries
District III	Inclusive of the following:	Bounded By:
Baguio	Baguio Proper, Cadalian, Carmen, Gumalang, Malagos, Tambobong, Tawan-tawan, Wines	North: Davao Province, Brgys. Sumimao, Fatima, Callawa, all of Davao City
Calinan	Biao Joaquin, Calinan Proper, Cawayan, Dacudao, Dalagdag, Dominga, Inayangan, Lacson, Lamanan, Lampianao, Megkawayan, Pangyan, Riverside, Saloy, Sirib, Subasta, Talomo River, Tamayong, Wangan	East: Brgys. Lumiad, Mapula, Malabog, Sumimao, Dumoy, Baliok, Bago Gallera, Catalunan Pequeño, Catalunan Grande, Langub, Magtu-od, Mandug, all of Davao City
Marilog	Baganihan, Bantol, Buda, Dalag, Datu Salumay, Gumitan, Magsaysay, Malamba, Marilog, Salaysay, Suawan, Tamugan	
Toril	Alambre, Atan-awe, Bangkas Heights, Baracatan, Bato, Bayabas, Binugao, Camansi, Catigan, Crossing Bayabas, Daliao, Daliaon Plantation, Eden, Kilate, Lizada, Lubogan, Marapangi, Mulig, Sibulan, Sirawan, Tagluno, Tagurano, Tibuloy, Toril Poblacion, Tungkalan	
Tugbok	Angalan, Balingaeng, Biao Guianga, Manambulan, Bago Oshiro, Biao Escuela, Los Amigos, Manuel Guianga, Matina Biao, New Carmen, Sto. Niño, Tagakpan, Tugbok Proper, Ula, Mintal, New Valencia, Tacunan, Talandang	

Article B. Quasi-Judicial Powers of the Sangguniang Panlungsod and Prescribing Rules and Procedures in the Administration of Complaints Against Elective Barangay Officials

Section 2. Definition of Terms: ¹²²

¹²² Section 1, Ord. No. 084, s. 2000 “Defining the Quasi-Judicial Powers of the Sangguniang Panlungsod and prescribing rules and procedures in the administration of complaints against elective Barangay Officials”

- A) Quasi-Judicial Power – The incidental power of an officer or body to hear and determine controversies outside of its administrative or legislative duty or power; is the power to hear and determine or ascertain facts and decide cases by the application of the rules of law in the enforcement and administration of justice; is exercised by the Sangguniang Panlungsod through its Committee on Ethics and Good Government (formerly Blue Ribbon Committee).
- B) Abuse of Authority – Excessive use of power or authority unbecoming of a public official. Acts committed in excess of one’s power or authority as conferred on him by law or outside of one’s duties and functions.
- C) Culpable Violation of the Constitution – A deliberate or willful, not unintentional, violation of the fundamental law.
- D) Dishonesty – Lack of honesty or integrity of disposition to deceive or defraud, such as for instance, malversation, falsification, bribery, etc. Concealment or distortion of truth in a matter of fact relevant to one’s office or connected with the performance of his duties.
- E) Disloyalty to the Republic of the Philippines – An act announcing or seeking to remove allegiance from the Republic such as, for instance, rebellion or insurrection.
- F) Misconduct in Office – A transgression of some established and definite rule of conduct, more particularly, unlawful behavior or gross negligence by the public officer. Misconduct, whether involving dishonesty, oppression or any form of misdeeds, must comprehend a wrongful intention and not a mere error of judgment. It must be misconduct that affects the performance of duties as a public officer and not as a private individual.
- G) Neglect of Duty – The omission or refusal, without sufficient excuse, to perform an act or duty, when it was the officer’s legal obligation to perform. The disregard of some duty imposed by law.
- H) Moral Turpitude – These are acts considered to be immoral in itself. Most of these acts are those classified as “malum en se” (meaning “acts wrong in themselves”) as contra distinguished from “mala prohibita” (meaning “acts which are considered wrong because they are prohibited by law).
- I) Oppression – An act of cruelty, severity, unlawful exaction, domination, or excessive use of authority.
- J) Preventive Suspension – Is a disciplinary sanction imposed by the Mayor upon the recommendation of the Committee and concurred by the Sangguniang Panlungsod.
- K) Punitive Suspension – Is a penalty recommended by the Committee, concurred by the Sangguniang Panlungsod and enforced by the Mayor.
- L) Public Official – Is any person who, by direct provisions of law, popular election or appointment by competent authority, takes part in the performance of public functions in the government, duties as an employee, agent or subordinate official, or any rank or class.

- M) Committee – refers to the Committee on Ethics and Good Government of the Sangguniang Panlungsod.

Section 3. *Legal Basis of Quasi-Judicial Power.* The quasi-judicial powers and functions of the Sanggunian is anchored on Sec. 61 of the Local Government Code which states that, “a complaint against any elective official of a municipality shall be filed before the Sangguniang Panlungsod whose decision may be appealed to the Office of the President. The complaint against any barangay official shall be filed before the Sangguniang Panlungsod or Sangguniang Bayan concerned whose decision shall be final and executory.”¹²³

Section 4. *Nature of Proceedings.*

- A) The environment in quasi-judicial bodies is one of expeditiousness and expertness. Liberally conceived remedies are generally unrestricted or not bound by the technical rules of evidence and procedures which govern trials before a court.
- B) The Revised Administrative Code does not require that the investigation of the quasi-judicial body be in the nature of a court trial. In deciding administrative cases in the exercise of their quasi-judicial power, the bodies or officials tasked to do so generally enjoy wide discretion. Technical rules of procedure are not strictly enforced and due process of law in the strict judicial sense is not indispensable. It is sufficient that the substantive due process requirement of fairness and reasonableness are observed.

Section 5. *Concept of Investigation/Hearing.* Investigation or hearing is conducted to look into the facts of each alleged violation, and then the law involved is applied to the facts of the case by the investigator or hearing officer.

Section 6. *Rules of Procedure and Evidence.*¹²⁴

- A) The general rule is that quasi-judicial bodies are not bound by the strict or technical rules of evidence governing court proceedings. They are given macro leeway in hearing and considering a variety of material evidence and the receipt and consideration of incompetent evidence do not constitute a denial of due process of law.
- B) The amount (quantum) of evidence must be “substantial” meaning such relevant evidence that a reasonable mind might accept as adequate support to a conclusion.
- C) In other words, evidence may be said to be relevant when it relates directly to a fact from which, by the process of logic, an inference may be made as to the existence of the fact in issue.
- D) The quasi-judicial body may admit and give probative value to evidence commonly accepted by reasonable, prudent men in the conduct of their affairs:

¹²³ Section 61, R.A. 7160, otherwise known as the “Local Government Code”, page 37

¹²⁴ Section 5, Ord. No. 084, s. 2000 “Defining the Quasi-Judicial Powers of the Sangguniang Panlungsod and Prescribing Rules and Procedures in the administration of complaints against Elective Barangay Officials”

- a) Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, the parties shall be given opportunity to compare the copy with the original, If the original is in the official custody of a public officer, a certified copy thereof may be accepted.
 - b) The Committee may take notice of judicially cognizable facts and generally cognizable technical and scientific knowledge. The parties shall be notified and afforded an opportunity to contest the facts so noticed.
- E) In any contested case, the Committee shall have the power to require the attendance of witnesses or the production of books, papers, documents and other pertinent data, upon request of any party before or during the hearing upon showing of general relevance. Unless otherwise provided by law, invoke the aid of the Regional Trial Court (RTC) within whose jurisdiction the contested case being heard falls.

The court may punish contumacy or refusal as contempt. ¹²⁵

Section 7. Due Process in Quasi-Judicial Proceedings. ¹²⁶

- A) Procedural due process is that which hears before it condemns, which proceed upon inquiry and renders judgment only after trial. It contemplates notice and opportunity to be heard before judgment affecting one's person or property is rendered.
- B) In proceedings of quasi-judicial character, the liberty and property of the citizen must be protected by the observance of the rudimentary requirements of fair play. The safeguards which the due process clause assures in the exercise of a quasi-judicial power are:
 - that the trier of the facts shall be an impartial tribunal legally constituted to determine the rights involved;
 - that no judgment should be made except upon due notice and opportunity to be heard;
 - that the procedure of the hearing shall be consistent with the essentials of fair play; and
 - that it shall be conducted in such a way that there will be opportunity for a court to determine whether the applicable rules of law and procedure were observed.
- C) The Supreme Court laid down the cardinal rights which must be respected in trials and investigations of an administrative character. The court in its ruling noted down the following "cardinal primary rights":

¹²⁵ Section 13, Chapter 3, Book VII, E. O. No. 292 known as "Administrative Code of 1987"

¹²⁶ Section 6, Ord. No. 084, s. 2000 "Defining the Quasi-Judicial Powers of the Sangguniang Panlungsod and Prescribing Rules & Procedures in the administration of complaints against elective Barangay Officials"

- First – The right to a hearing which includes the right of the party interested or affected
- Second – The tribunal or committee must consider the evidence presented.
- Third – The decision must have something to support itself.
- Fourth – The evidence must be substantial.
- Fifth – The decision must be rendered on the evidence presented at the hearing, or at least contained in the record, and disclosed to the parties affected.
- Sixth – the tribunal or the committee or any of its judges, therefore, must act on its or his own independent consideration of the law and facts of the controversy, and not simply accept the views of a subordinate in arriving at a decision.
- Seventh – The tribunal or the committee should in all controversial questions, render its decision in such a manner that the parties to the proceedings can determine the various issues involved and the reasons for the decision rendered.

Section 8. Grounds for Disciplinary Actions. Disciplinary actions against barangay officials as contained in this Article constitute the administrative punishment of admonition, reprimand or censure; withholding of privileges, suspension, forfeiture of salary, demotion or removal from office for commission of the following acts: ¹²⁷

A) Disloyalty to the Republic of the Philippines, to wit:

- Espionage
- Treason
- Conspiracy and proposal to commit treason
- Inciting to war or giving motives to reprisals
- Correspondence with hostile country
- Piracy and mutiny on the high seas
- Qualified piracy

B) Culpable violation of the Constitution, to wit:

- Arbitrary detention or expulsion
- Delay in the delivery of detained person
- Violation of domicile
- Searching domicile without witnesses
- Interruption of religious worship
- Offending the religious feelings
- Prohibition, interruption and dissolution of peaceful meetings

C) Dishonesty, Oppression, Misconduct in Office, Gross Negligence or Dereliction of Duty, to wit:

¹²⁷ Section 7, Ord. No. 084, s. 2000 “Defining the Quasi-Judicial Powers of the Sangguniang Panlungsod and prescribing Rules & Procedures in the administration of Complaints against elective Barangay Officials”

- Bribery
 - Malversation
 - Conniving with or consenting to evasion
 - Removal, concealment, or destruction of documents
 - Open disobedience
 - Refusal of assistance
 - Usurpation of powers
 - Abuses against chastity
 - Simulation of birth and usurpation of civil status
 - Fraud
- D) Commission of any offense involving moral turpitude or an offense punishable by at least prison mayor, to wit:
- Rape
 - Adultery or concubinage
 - Act of lasciviousness
 - Seduction, corruption of minors and
 - White slavery
- E) Abuse of Authority which may include, but not limited to, insubordination frequent absences or tardiness, habitual drunkenness, and gambling prohibited by law.
- F) Unauthorized absence for fifteen (15) consecutive working days, except in the case of local chief executives, and four (4) consecutive sessions, in case of members of the Sangguniang Panlalawigan. Sangguniang Bayan, Sangguniang Barangay.
- G) Application for, or acquisition of, foreign citizenship, or residence or the status of an immigrant of another country; and
- H) Such other grounds as may be provided under R.A. 7160 and other laws. (Sec. 60, R.A. 7160), (Art. 124 IRR of R.A. 7160)

Section 9. *Filing of Administrative Complaints and Procedural Rules in Conducting an Administrative Investigation.* ¹²⁸

A verified complaint against any erring elective barangay official shall be prepared as follows:

- A) A complaint against any elective barangay official in the City shall be filed before the Sangguniang Panlungsod thru the Committee on Ethics and Good Government. (Sec. 61, R.A.7160)
- B) The complaint should be accompanied by a sworn affidavit or statement copies of which will be furnished to the respondent(s).
- C) Within seven (7) days after the administrative complaint is filed, the Sanggunian, thru the Committee, shall require the respondent(s) to submit his

¹²⁸ Section 8 , Ord. No. 084, s. 2000 “Defining the Quasi-Judicial Powers of the Sangguniang Panlungsod and Prescribing Rules & Procedures in the administration of complaints against Elective Barangay Officials”

verified answer in the form of a sworn counter-affidavit or statement within fifteen (15) days from receipt thereof, and commence the investigation of the case within ten (10) days after receipt of such answer of the respondent, and once the notice of the hearing is issued by the Committee.

1. Unreasonable failure of the respondent to file his verified answer within fifteen (15) days from receipt of the complaint shall be considered waiver of his rights to present evidence in his behalf.
 2. Unreasonable failure to commence the investigation within the prescribed period by the person or persons assigned to investigate shall be a ground for disciplinary action.
- D) When the respondent is an elective official of the barangay, the venue shall be the place where the Sanggunian concerned is located.
- E) No investigation shall be held within ninety (90) days immediately prior to any local elections, and no preventive suspension shall be imposed within the same period. If preventive suspension has been imposed prior to the ninety (90) days period immediately preceding local elections, it shall be deemed automatically lifted upon the start of the said period. (Sec. 62, RA 7160 and Art. 126, IRR).
- F) The committee hearing or investigation shall start within ten (10) days after receipt of the respondent's reply or counter-affidavit.
- G) Upon a duly written request of the respondent and/or the complainant, the committee may call a mandatory preliminary conference where both parties will be required to attend and any or all of the following objectives will be explored:
1. The probability of settlement of complaint
 2. Clarification of facts and other areas related to the case
 3. Conference between legal counsels of both parties
 4. Defining of limits and parameters of issues in the complaint
 5. Setting of hearing dates

Section 10. *Disciplinary Sanctions for Erring Barangay Official.* ¹²⁹

Elective Barangay Officials found guilty of committing any of the administrative offenses enumerated herein, shall be sanctioned as follows:

- A) Immediate removal or dismissal from office for actions of disloyalty to the Republic of the Philippines or any combination of such acts as enumerated in this Article;
- B) Imposition of disciplinary punishment of dismissal from office, suspension or forfeiture of salary; or any combination thereof for a period not exceeding one

¹²⁹ Section 9, Ord. No. 084, s. 2000 "Defining the Quasi-Judicial Powers of the Sangguniang Panlungsod and Prescribing Rules & Procedures in the administration of complaints against Elective Barangay Officials"

hundred eighty (180) days for culpable violation of the Constitution comprising, but not limited to, acts enumerated in this Article.

- C) Imposition of administrative punishment of admonition or reprimand; withholding of privileges, suspension or forfeiture of salary; demotion; or any combination of the foregoing, provided that in all cases, the total period shall not exceed sixty (60) days for acts of dishonesty, oppression, misconduct in office, gross negligence or dereliction of duty and any or combination of the acts enumerated under this Article.
- D) Crimes involving moral turpitude and is not linked with the performance of official duties, conviction by final judgment is required as a condition precedent to administrative action.
- E) Crimes involving moral turpitude committed within the purview of official duties shall have the penalty of immediate removal or dismissal from office.
- F) Censure, reprimand, suspension or removal from office for abuse of authority comprising, but not limited to, acts enumerated in this Article.

Section 11. *Rights of Respondent(s).* A respondent shall be accorded full opportunity to appear and defend himself in person or by counsel to confront and cross-examine the witness against him, and to require the attendance of witnesses and the production of documentary evidence in his favor through the compulsory process of subpoena.¹³⁰

Section 12. *Form and Notice of Decision.*

- A) Investigation of the case shall be terminated within ninety (90) days after the start thereof. Within thirty (30) days after the end of the investigation, the Sanggunian concerned shall render a decision based on the recommendation of the Committee on Ethics and Good Government in writing, stating clearly and distinctly, the facts and the reasons for such decision. Copies of said decision shall immediately be furnished the respondent and all interested parties.
- B) The Committee shall call a final hearing with the sole purpose of promulgating the decision reached by the Sangguniang Panlungsod.
- C) A motion for reconsideration of the order for decision may be filed by the concerned party at least ten (10) days from receipt of the order. The motion for reconsideration, which in itself, is a form of an appeal does not prevent the decision from becoming final and executory.
- D) Penalty of suspension shall not exceed the unexpired term of the respondent or a period of six (6) months for every administrative offense, nor shall the penalty be a bar to the candidacy of the respondent so suspended as long as he meets the qualifications required for the office.

¹³⁰ Section 65, R.A. 7160, otherwise known as the Local Government Code, page 39

- E) The penalty of removal from office as a result of an administrative investigation shall be considered a bar to the candidacy of the respondent for any elective position. ¹³¹

Section 13. Preventive & Punitive Suspension and Reinstatement. ¹³²

- A) Preventive suspension is imposed by the Mayor upon the recommendation of the Committee on Ethics and Good Government as concurred by the Sanggunian; while suspension as a penalty is a decision arrived at by the Committee on Ethics and Good Government, concurred by the Sanggunian and enforced by the Mayor.

- B) Requirements in Issuing a Preventive Suspension Order.

A Preventive Suspension Order may be issued by the authorized official concerned at any time after the issues are joined subject to the following requisites:

- When the evidence of guilt is strong, and given the gravity of the offense, there is great probability that the continuance in office of the respondent could influence the witnesses or pose a threat to the safety and integrity of the records and evidence.
- Any single preventive suspension of local elective official shall not extend beyond sixty (60) days.
- In the event that several administrative cases are filed against an elective official, he cannot be preventively suspended for more than ninety (90) days within a single year on the same ground or grounds existing and known at the time of the first suspension.
- Upon the expiration of the preventive suspension, suspended elective official(s) shall be deemed reinstated in office without prejudice to the continuation of the proceedings against him, which shall be terminated within one hundred twenty (120) days from the time he was formally notified of the case against him.
- However, if delay in the proceedings of the case is due to respondent's fault, neglect, or request, other than the appeal duly filed, the duration of such delay shall not be counted in computing the time of termination of the case.
- Respondent elective official preventively suspended from office shall not receive salary or compensation during the period of suspension, but upon subsequent exoneration and reinstatement, shall be paid full salary or compensation including such emoluments accruing to him during the suspension. (Sec. 64, RA 7160)

¹³¹ Section 66, R. A. 7160, *Ibid.*

¹³² Section 12, Ord. 084, s. 2000, "Defining the Quasi-Judicial Powers of the Sangguniang Panlungsod and Prescribing Rules & Procedures in the administration of Complaints against elective Barangay Officials"

C) Punitive Suspension.

The penalty of suspension shall not exceed the unexpired term of the respondent or a period of six (6) months for every administrative offense nor shall said penalty be a bar to the candidacy of the respondent so suspended as long as he meets the qualifications required for the office.

The penalty of removal from office as a result of an administrative investigation shall be considered a bar to the candidacy of the respondent for any elective position. (Sec. 66, RA 7160).

Section 14. Administrative Appeal. ¹³³

- A) Decisions in administrative cases may, within thirty (30) days from receipt thereof, be appealed with the Office of the President. The decision of the Office of the President shall be final and executory.
- B) An appeal shall not prevent a decision from becoming final and executory. The respondent shall be considered as having been placed under preventive suspension during the period of an appeal. In the event the appeal results in exoneration, he shall be paid his salary and such other emoluments during the period of the appeal. (Sec. 68, RA 7160)

Article C. Barangay Human Rights Action Center (BHRAC)

Section 15. Declaration of Policy. Local government units as stated in the Local Government Code (IRR, Article 3.d) are granted powers to ensure and promote the general welfare and enhance social justice and maintain peace and order for the comfort and convenience of their inhabitants;

To this end, in order to fully promote and protect human rights, the Barangay Human Rights Action Center Program is designed as prescribed by the Department of Interior and Local Government to bring services to the marginalized and disadvantaged grassroot levels.

Section 16. Objective. This will help the realization of a nationwide mobilization program for human rights protection and advocacy at the city and barangay levels.

The Barangay Human Rights Action Program will be institutionalized and the Commission on Human Rights will be within reach of the people, especially in the far-flung areas. The Commission on Human Rights offices are based mainly in the regional centers and capitals of provinces. With the establishment and operationalization of action centers, human rights protection and advocacy are readily brought down to the grassroots.

¹³³ Section 13, Ord. No. 084, s. 2000 "Defining the Quasi-Judicial Powers of the Sangguniang Panlungsod and Prescribing Rules & Procedures in the administration of complaints against Elective Barangay Officials"

Section 17. Definition of Terms. ¹³⁴

1. Human Right – is the supreme, inherent, and inalienable right to life, to dignity, and to self-development. It is concerned with issues in both areas of civil and political rights, economic, social, and cultural rights founded on internationally accepted human rights obligations to which the Philippine Government is a state party.
2. Commission on Human Rights – is the national institution committed to the primacy and sacredness of life through the protection and promotion of human rights.
3. City Human Rights Action Center – is the office established to initiate and operationalize the Barangay Human Rights Action Centers.
4. Barangay Human Rights Action Centers – are offices in the barangays established to provide programs and services towards the goal of protecting and promoting human rights advocacies.

Section 18. Establishment of Barangay Human Rights Action Center (BHRAC). The Barangay Human Rights Action Center (BHRAC) shall be established in every barangay within the City of Davao.

A Barangay Human Rights Action Officer shall be appointed by the Punong Barangay with the concurrence of the barangay council. He shall be replaced or terminated also upon the concurrence of majority of the members of the Sangguniang Barangay. ¹³⁵

Section 19. City Human Rights Action Center (CHRAC). The City Human Rights Action Center shall be established and integrated in the City Legal Office. ¹³⁶

The City Legal Officer shall be designated as the City Human Rights Coordinator who shall initiate the establishment and operationalization of the Barangay Human Rights Action Center.

a. The City Human Rights Coordinator shall have the following duties and responsibilities:

1. as Training and Information Officer –
 - installs and maintains city bulletin
 - distributes human rights information releases

¹³⁴ Section 4, Ord. No. 099, s. 2000 “Institutionalizing the City Human Rights Action Center and to prescribe rules and guidelines for the establishment and operationalization of Human Rights Action Centers in every barangay”

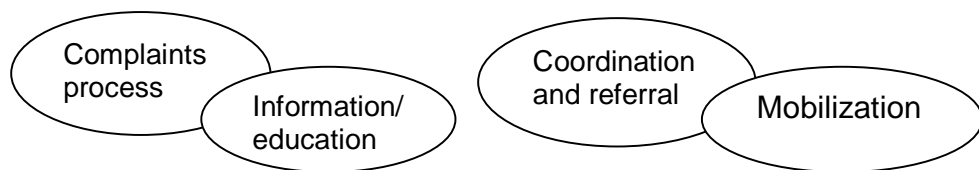
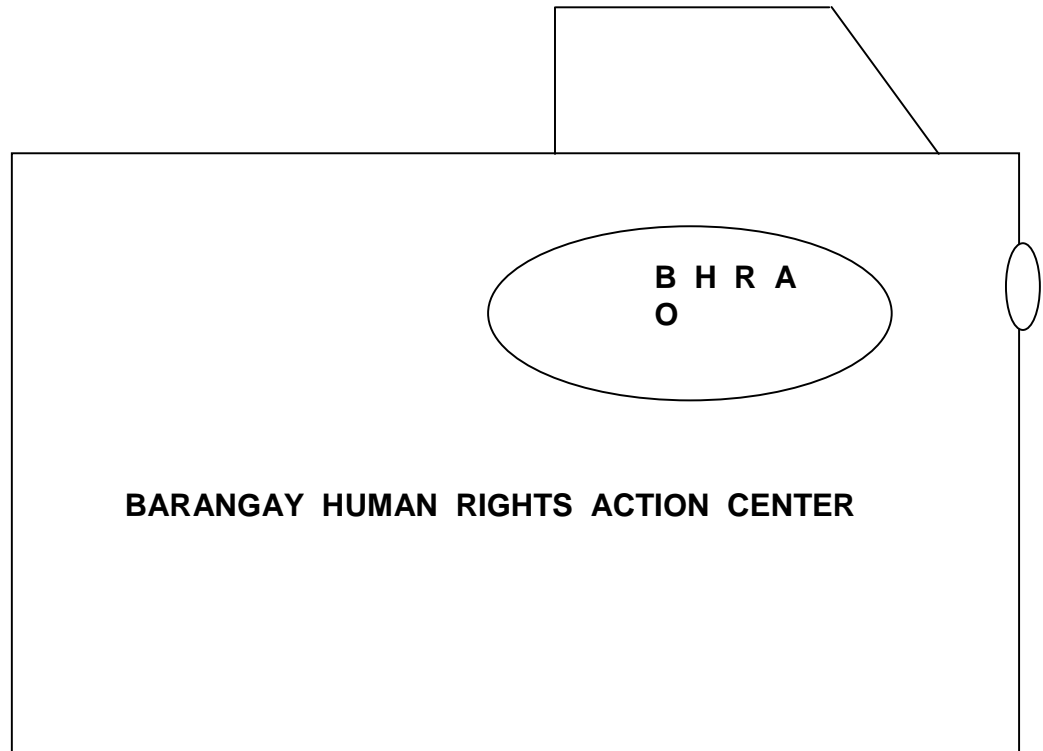
¹³⁵ Section 7, Ord. No. 099, s. 2000 “Institutionalizing the City Human Rights Action Center and to prescribe rules & guidelines for the establishment and operationalization of the same”

¹³⁶ Section 5, *Ibid.*

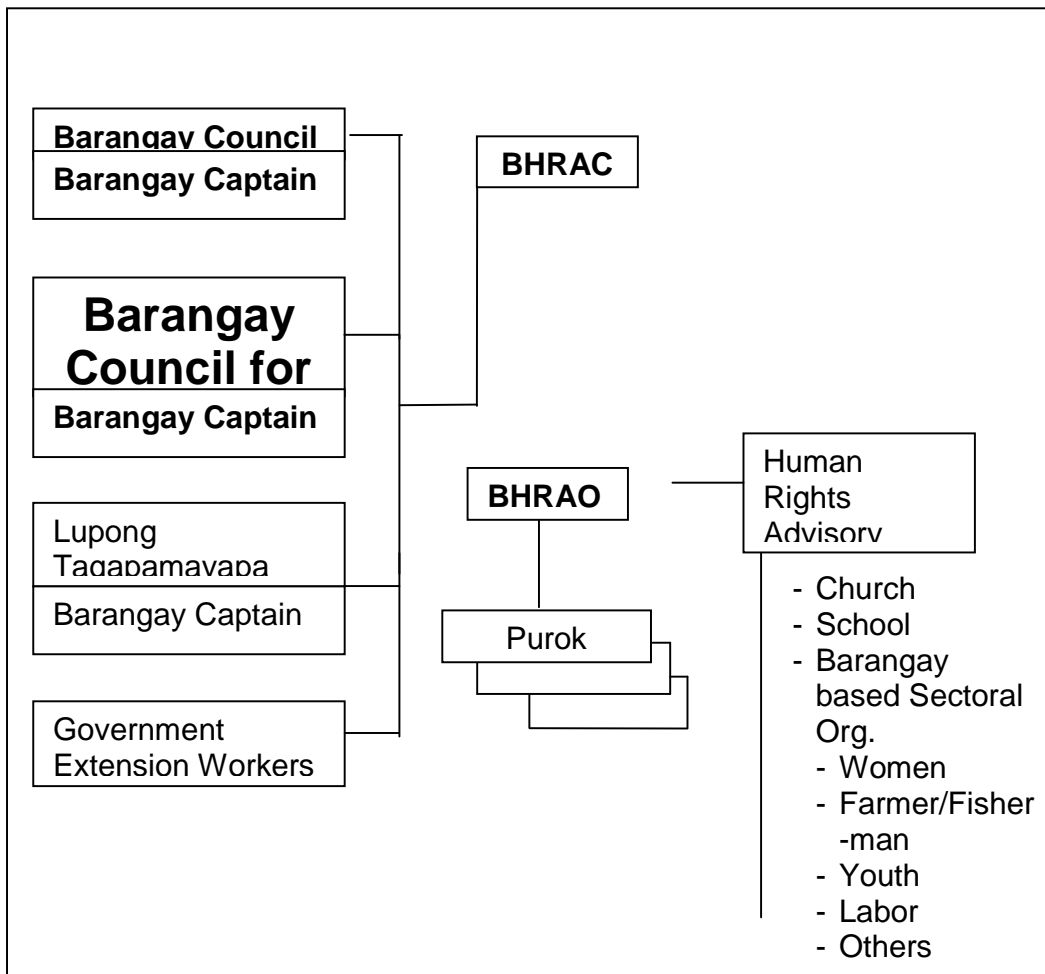
- reproduces human rights training and information materials
 - coordinates venues and resource persons for human rights education, seminar and training activities at the city and district levels
2. as Complaints Processing Officer –
 - consolidates reports of the Barangay Human Rights Action Officers (BHRAOs) on cases of human rights violations filed in every barangay
 - transmits/coordinates the same to the CHR Regional Office
 - assist BHRAOs in coordinating/monitoring cases of human rights violations
 - assist victims of human rights violations
 3. as Coordination and Referral Officer –
 - maintains city center on human rights directory of services and programs
 - sets up information center on human rights at the city level
 4. as Mobilization Officer –
 - mobilizes the community in coordination with BHRAOs re: human rights issues, concerns and activities
 - mobilizes the city level human rights advisory group
- c. The Barangay Human Rights Action Officer (BHRAO) shall:
1. Receive complaints on human rights violations in their respective areas of jurisdiction, refer them to the Commission on Human Rights (CHR) field office for proper action and monitor developments on the complaints;
 2. Coordinate, organize and/or conduct human rights information and education drives on a continuing basis within and among LGU officials, officers and employees as well as among the constituents.

Section 20. *Flow Chart.*

a. The Concept of the Barangay Human Rights Action Center



c. Operating Mobilization Structure



Section 21. Budget Allocation. The City Government shall provide in its Annual Budget a reasonable honorarium or salary for every Barangay Human Rights Action Officer, and an allocation for capability building training programs, supplies/materials, equipment and other necessary expenses. Expenditures of funds appropriated for this purpose shall conform with the rules and regulations prescribed by the Commission on Audit (COA).

Article D. Barangay Tourism, Arts and Culture Council

Section 22. Declaration of Policy. It is the policy of the City Government to advocate a culture of tourism and promotion of a domestic marketing campaign. This aims to afford the Local Government Units (LGUs) a better understanding and appreciation of the tourism industry and its role as a stakeholder with a responsibility of building a sound tourism environment to spur socio-economic activity in the countryside and uplift the dignity and livelihood of all Filipinos. ¹³⁷

¹³⁷ Section 2, Ord. No. 0121-03, s. 2003 “Creating the Barangay Tourism, Arts and Culture Council and defining its powers and functions”

Section 23. Composition. The Barangay Tourism, Arts and Culture Council shall be composed of people from the private sector and barangay officials from the barangay unit concerned on a forty percent (40%) government-sixty percent (60%) private sector proportion.

The barangay officials who will comprise the forty percent (40%) membership of the council shall be chosen and appointed by the Barangay Captain concerned.

The sixty percent (60%) membership from the private sector shall be filled up by invitation from the barangay unit concerned through its barangay officials.

The members and officers of the Council shall not receive additional compensation and emolument.

The officers shall be elected by election among the members of the council, as follows:

Officers of the Council:

Chairperson	-	Punong Barangay
Co-Chairperson	-	Chairperson of the Barangay Committee on Tourism
Secretary		
Treasurer		
Members	-	Academe Business Sector Existing Association in the Barangay

Section 24. Term of Office. The Chairperson shall sit in such capacity for the duration of his term as Punong Barangay of the concerned barangay and his appointees shall hold office with the Barangay Tourism, Arts and Culture Council, co-terminus with the tenure of the appointing Punong Barangay. ¹³⁸

Section 25. Function. The functions of the Barangay Tourism, Arts and Culture Council shall be as follows: ¹³⁹

- a. To take care of the tourism aspect for each local community;
- b. To identify its cultural heritage, place or site with tourism values;
- c. Undertake steps to promote and preserve the identified cultural heritage or site for tourism
- d. Develop a culturally sensitive tourism plan for the preservation of local sites and traditions

Section 26. Funding. The Barangay Tourism, Arts and Culture Council shall be self-sustaining. Its overhead expenditures shall be covered by its own funds which may be sourced from private foundations, NGOs and other similar organizations.

¹³⁸ Section 5, Ord. No. 0121-03, s. 2003 "Creating the Barangay Tourism, Arts & Culture Council and defining its powers & functions"

¹³⁹ Section 6, *Ibid.*

CHAPTER VII

OTHER LOCAL SPECIAL BODIES

Article A. Other Local Special Bodies

Section 1. Administrative Provisions. Additional specific procedures and guidelines in the validity or effectivity of accreditation, the renewal thereof as well as the submission of annual status report, are as follows: ¹⁴⁰

- a) **Validity or Effectivity** - the accreditation of NGOs/POs with the City Government of Davao shall be valid and effective for a period of three (3) years upon its approval by the Sangguniang Panlungsod, but in no case shall it exceed the term of office of the local chief executive; provided, that the concerned accredited NGOs/POs shall submit an annual status report to the Sangguniang Panlungsod thru the Committee on Cooperative Development and People's Participation to determine if said NGOs/POs are still operating;
- b) **Annual Status Report** - the annual status report must include the following: Updated profile of the NGO/PO with a complete list of officers and members duly certified by its secretary; Copy of the Annual Report submitted to the Cooperative Development Authority (CDA), the Securities and Exchange Commission (SEC) and other national government regulatory office; For cooperatives, a Certificate of Good Standing issued by the Cooperative Development Authority (CDA) and a certification from the City Cooperative Development Office (CCDO) that the cooperative is still actively operating;
- c) **Submission of the Annual Status Report** - submission of the Annual Status Report shall be in the first quarter of each year for NGOs/POs using the calendar year ending December 31, and within 90 days after the close of its fiscal year for NGOs/POs adopting the fiscal calendar year;
- d) **Revocation and/or cancellation of accreditation** - failure of the NGO/PO to submit the Annual Status Report shall be a ground for the revocation and/or cancellation of the accreditation without prejudice to Sections 68 and 70 of R.A. 6338, otherwise known as the Cooperative Code of the Philippines, provided that a 30-day grace period shall be granted upon notice by the Committee on Cooperative Development and People's Participation to the concerned NGO/PO;
- e) **Renewal** - after the expiration of the three year validity period of accreditation, the NGO/PO may apply for renewal of its accreditation with the City government of Davao by complying and submitting documentary requirements to the Committee on Cooperative Development and People's Participation at the Sangguniang Panlungsod, viz:
 - i. Updated profile of the NGO/PO with a complete list of officers and members duly certified by its secretary;
 - ii. Amendments if any, of the articles and by-laws of the NGO/PO;
 - iii. Copy of Annual Report including copy of the latest audited financial statement submitted to the Cooperative Development Authority (CDA), the Securities and Exchange Commission (SEC) or other national government regulatory office;

¹⁴⁰ Section 2, Ord. No. 0113-03 "Prescribing Additional Procedural Guidelines in the Accreditation of NGOs and POs in Davao City"

- iv. For cooperatives, a Certificate of Good Standing issued by CDA and a certification from the City Cooperative Development Office that the cooperative is still actively operating.

Article B. People’s Law Enforcement Board (PLEB)

(RA 6975 as amended, Ordinance 230-A, s. 1991, [EO No. 13 s. 2007](#))

Section 2. Creation. There shall be created a People’s Law Enforcement Board (PLEB) in every legislative district of Davao City.

Section 3. Composition. The People’s Law Enforcement Boards (PLEBs) in each legislative district shall be composed of the following:

- o Any member of the Sangguniang Panlungsod chosen by his respective sanggunian
- o Any punong barangay of the city chosen by the Liga ng mga Barangay
- o Three (3) other members who shall be chosen by the peace and Order Council from among the respected members of the community known for their probity and integrity, one (1) of whom must be a member of the Bar or, in the absence thereof, a college graduate, or the principal of the central elementary school in the locality.
- o Each PLEB in the legislative districts shall elect from among themselves their respective Chairpersons.

Section 4. Function. The People’s Law Enforcement Board (PLEB) shall hear, investigate and decide complaints filed on account of injuries, damage or disturbance sustained due to irregular or illegal acts committed by PNP officers and members against private citizens.

Article C. Davao City Ecological Solid Waste Management Board

(Ordinance No. 044-02, s. 2002)

Section 5. Composition. The Davao City Ecological Solid Waste Management Board shall be composed of the following:

Chairperson - City Mayor
Vice Chairperson - City Administrator
Action Officer - Chief, CENRO (City Environment and Natural Resources Office)

Members

- o Regional Executive Director, Department of Environment and Natural Resources (DENR)
- o Regional Director, Dep’t. of Public Works & Highways (DPWH)
- o Regional Director, Department of Health (DOH)
- o Chairperson, Sangguniang Panlungsod Committee on Environment and Natural Resources
- o City Planning and Development Coordinator
- o City Director, DILG Davao City Office
- o Regional Director, Dep’t. of Science and Technology (DOST)

- Head, City Engineer's Office (CEO)
- Head, City Health Office (CHO)
- Head, City Agriculturist's Office (CAO)
- Local Information Officer, City Press Office
- City Legal Office
- President, Liga ng mga Barangay
- President, Sangguniang Kabataan
- Representative, NGO mainly concerned with the promotion of recycling and the protection of air and water supply
- Rep. Manufacturing/Packing Industry
- Rep., Recycling Industry

Section 6. Functions. The Board shall exercise the following functions:

- 1) Develop the City Ecological Solid Waste Management. that shall ensure the long-term management of solid waste, as well as integrate the various solid waste management plans and strategies of the barangays in its area of jurisdiction. In the development of the Solid Waste Management Plan, it shall conduct consultations with the various sectors of the community;
- 2) Adopt measures to promote and ensure the viability and effective implementation of solid waste management programs in its component barangays.
- 3) Monitor the implementation of the City Solid Waste Management Plan through its various political subdivisions and in cooperation with the private sector and NGO's.
- 4) Adopt specific revenue – generating measures to promote the viability of its Solid Waste Management Plan;
- 5) Convene regular meetings for purposes of planning and coordinating the implementation of the solid waste management plans of the respective component barangays.
- 6) Oversee the implementation of the City Ecological Solid Waste Management Plan;
- 7) Review every two (2) years or as the need arises the City Ecological Solid Waste Management Plan for purposes of ensuring its sustainability, viability, effectiveness and relevance in relation to local and international developments in the fields of solid waste management;
- 8) Develop the specific mechanics and guidelines for the implementation of the City Solid Waste Management Plan;
- 9) Recommend to appropriate local government authorities specific measures or proposals for franchise or build-operate-transfer agreements with duly recognized institutions, pursuant to R. A. 6975, to provide either exclusive or non-exclusive authority for the collection, transfer, storage, processing, recycling or disposal of city solid waste. The proposals shall take into consideration appropriate government rules and regulations on contracts, franchises and build-operate-transfer agreements;

- 10) Provide the necessary logistical and operational support to its component barangays;
- 11) Recommend measures and safeguards against pollution and for the preservation of the natural ecosystem; and
- 12) Coordinate the efforts of its component barangays in the implementation of the City Solid Waste Management Plan;

Article D. Personnel Selection Board

(RA 7160, Ord. No. 497-92A & Ord. No. 3355-95A,
EO No. 26 s. 2001, EO No. 10 s. 2006)

Section 7. Composition. The Personnel Selection Board shall be composed of the following:

As Chairperson

- (a) The City Mayor or his authorized representative
- (b) The Vice Mayor or her authorized representative; if the vacant position is in the Office of the Sangguniang Panlungsod

As Members

- o Department Head – Human Resource Management Office (HRMO)
- o Department Head/Chief of Office from the Career Service of the organizational unit where the vacancy is;
- o Two representatives of the rank and file career employees
 - o One from the First Level; and
 - o One from the Second Level, both shall be chosen by the duly accredited employees association in the agency.

Secretariat - Personnel Selection and Transaction Division Head of HRMO

Section 8. Functions. The Board shall exercise the following functions:

- 1) Formulate formal screening procedures like examination, interview, criteria for evaluating the competence and qualifications of candidates for positions in the first and second levels of the career service, involving original appointments, re-employment, transfer or promotions.
- 2) Apply fairly and consistently reasonable and valid standards and methods of evaluating the competence and qualifications of all personnel competing for a particular position.
- 3) Set the criteria for the evaluation of qualifications of candidates for original appointments, reinstatement, re-employment, transfer and promotion to suit the job requirements of the positions.
- 4) Make a systematic assessment of the competence and qualifications of the candidates, taking into consideration the qualification standards of the position and such other requirements which may be deemed necessary.
- 5) Inform all applicants/employees who are candidates of the criteria and procedures of the selection.

**Article E. Davao City Motorized Tricycles for Hire (MTH)
Franchising and Regulatory Board**

(EO No. 05, s. 2002, Ordinance No. 1692-94, s. 1994)

Section 9. *Composition.* The Davao City Motorized Tricycles for Hire Franchising and Regulatory Board shall be composed of the following:

Chairperson - City Mayor
Co-Chairperson - City Administrator

Members:

- o Chairperson, Sangguniang Panlungsod Committee on Franchises and Public Utilities
- o Chairperson, Sangguniang Panlungsod Committee on Energy, Transportation and Communication

Section 10. *Function.* The MTH Board shall oversee, administer and regulate the operation of all motorized tricycles-for-hire within the territorial jurisdiction of Davao City and exercise administrative supervision and control over the MTH Franchising and MTH Regulatory Division.

Article F. Davao City Consumer Welfare and Protection Council

(Ordinance No. 005, s. 1998 & EO No. 20 s. 2000)

Section 11. *Composition.* The Davao City Consumer Welfare and Protection Council shall be composed of the following:

Chairperson - City Mayor
Co-Chairperson & Head of the Secretariat - Dep't. of Trade & Industry (DTI) Regional Dir.
Vice Chairperson - Chairperson, Sangguniang Panlungsod Committee on Trade, Commerce and Industry

Members:

- o City Administrator
- o City Treasurer
- o Davao City Police Director
- o City Health Officer
- o National Food Authority
- o President, Davao City Chamber of Commerce and Industry, Inc. (DCCCII)
- o Regional Director, Department of Agriculture (DA) XI
- o Chairperson, Konsumo Dabaw
- o Chairperson, Lihuk Dabaw
- o Regional Director, Department of Health (DOH) XI
- o Regional Director, Environmental Mgt. Bureau (EMB) XI
- o City Veterinarian
- o City Agriculturist
- o Regional Manager, Banko Sentral ng Pilipinas
- o Regional Director, Department of Energy (DOE) XI
- o Regional Director, Land Transportation Office (LTO) XI
- o Collector of Customs
- o President, Federation of Market Vendors Association

- o Chairperson, Sangguniang Panlungsod Committee on Cooperative & People's Participation
- o City Information Officer

Section 12. Functions. The Davao City Consumer Welfare Protection Council shall exercise the following functions:

- 1) Plan and implement programs and activities that will protect the welfare and interest of the consumers;
- 2) Plan and implement activities in support of the observance of the National Consumer Protection Week, every first week of October.;
- 3) Intensify the enforcement of the Price Tag and other fair trade laws;
- 4) Monitor prices of basic goods and prime commodities in the City;
- 5) Coordinate product distribution and price monitoring programs, projects and measures of the government;
- 6) Develop comprehensive strategies to ensure that prices of basic goods and prime commodities are stabilized and at affordable levels;
- 7) Prevent and /or prosecute any and all persons engaged in price manipulations and violations of authorized price ceilings and Price Tag Laws; hoarding;
- 8) Enlist the assistance of National and Local offices and agencies, NGOs, and Socio-civic organizations, and expertise of individuals; and
- 9) Perform such other functions as may be prescribed by law or ordinance, and those that are necessary and incidental to the effective implementation of this Order.

Article G. Davao City AIDS Council

(Ordinance No. 041-02, s. 2002, EO No. 01 s. 2003)

Section 13. Composition. The Davao City AIDS Council shall be composed of the following:

- Chairperson - City Mayor
- Vice Chairperson - City Health Officer
- Members:
 - o Representative, Sangguniang Panlungsod
 - o Representative, City Social Services and Dev't. Office
 - o Representative, Department of Education
 - o Representative, Department of Labor and Employment
 - o President, Liga ng mga Barangay
 - o Two (2) representatives from NGOs

Section 14. Functions. The Davao City AIDS Council shall exercise the following functions:

- 1) Advisory Group to the Sangguniang Panlungsod and the Executive Branch on policy formulation/development, program conceptualization, planning and monitoring toward the prevention and control of STI, HIV/AIDS;
- 2) Coordinating Body in establishing, mobilizing and strengthening linkages at the local, national and international agencies and other stakeholders involved in the STI/HIV/AIDS prevention programs;
- 3) Lead Group in undertaking information, education and communication campaigns on STI, HIV/AIDS prevention;
- 4) Monitoring body in the implementation of RA 8504 and other policies approved and adopted by Davao City AIDS Council (DCAC).

Article H. Internet Cafe Accrediting Board of Davao City
(Ordinance No. 106, s. 2000, Ordinance No. 0227-04, s. 2004)

Section 15. Composition. The Internet Cafe Accrediting Board of Davao City shall be composed of the following:

Chairperson - City Mayor
Co-Chairperson - City Administrator
Vice Chairperson - Chief, Business Bureau

Members:

- o Chairperson, Sangguniang Panlungsod Committee on Information and Technology
- o Chairperson, Sangguniang Panlungsod Committee on Education, Science and Technology
- o Chairperson of the Council for the Welfare of Children or Designated Representative
- o President or accredited member of Internet Cafe Association of Davao City, to be appointed by the City Mayor
- o Representative, Technical Education and Skills Development Authority (TESDA)
- o City Legal Officer or Designated Representative, Davao City
- o Representative, NGO identified with information technology-related advocacy to be appointed by the City Mayor upon recommendation by the Body.

Section 16. Functions. The Board shall exercise the following functions:

- 1) To formulate policies and criteria to serve as guidelines for accreditation of Internet Cafe in Davao City;
- 2) To accredit Internet Cafes after complying with all necessary requirement;
- 3) To conduct monitoring activities, ocular inspections on its own or in coordination with the school administrators and barangay officials, in pursuit of its functions in accrediting internet cafes in Davao City and in order to determine if the duly accredited internet cafes have been following the provisions of law;

- 4) To recommend to the City Mayor, through the Business Bureau, the closure of any accredited internet cafes found violating the provisions of Chapter IX - Regulations on Business or Trade Activities of this Code.

Article I. Committee on Decorum and Investigation (CODI)

(Ordinance No. 133-01, s. 2001. Anti-Sexual Harassment Law
& EO No. 09, s. 2005)

Section 17. Composition. The Committee on Decorum and Investigation (CODI) shall be composed of the following:

Chairperson	- City Administrator
Co-Vice Chairperson	- Head, Integrated Gender & Dev't. Office
Co-Vice Chairperson	- City Legal Officer

Members:

- o Head, City Social Services and Development Office
- o Head, Human Resource Management Office
- o Representative from DACHEA
- o 2nd Level Representative
- o 1st Level Representative

Secretariat - Human Resource Management Office

Section 18. Functions. The CODI shall exercise the following functions:

- 1) Receive complaints of sexual harassment.
- 2) Investigate sexual harassment complaints in accordance with the prescribed procedure.
- 3) Submit a report of its findings with the corresponding recommendation to the disciplinary authority for decision.
- 4) Lead in the conduct of discussions about sexual harassment within the agency or institution to increase understanding and prevent incidents of sexual harassment.

Article J. Market Committee

(Ordinance No. 230, s. 1991& EO No. 03, s. 2002)

Section 19. Composition. The Market Committee shall be composed of the following:

Chairperson	- City Administrator
Co-Chairperson	- City Treasurer

Members:

- o City Legal Officer or his representative
- o Chairperson, Sangguniang Panlungsod Committee on Government Enterprises & Privatization
- o Representative of the Market Vendors – to be elected by the Federation of the Market Vendors' Assn. in Davao City, and

appointed by the City Mayor for a term of two (2) years, without reappointment, unless earlier revoked for cause.

Section 20. Functions. The Committee shall exercise the following functions:

- 1) Formulate policies, rules and guidelines for market operation and administration;
- 2) Conduct periodic review of City market operations, and recommend appropriate actions thereon;
- 3) Conduct the drawing of lots, raffle and opening of bids, for the adjudication of vacant or newly-constructed stalls or booths in the city-owned public markets;
- 4) Certify the results thereof, for the approval of the City Mayor;
- 5) Adjudicate the transfer of stallholders from one section to another or from one stall to another;
- 6) Recommend such measures or actions as may be necessary and proper in the resolution of problems, in connection with the use and occupancy of stalls, booths or spaces in the city public markets.
- 7) Decides on the revocation or cancellation of Lease Contract, closure of stall/booth/space or eviction of vendors from the stall/booth/space he occupied on the ground/s of violation of specific provision of the Ordinance.

Article K. Davao City Culture and Arts Council

(Ordinance No. 0194-04, s. 2004)

Section 21. Composition. The Davao City Culture and Arts Council shall be composed of the following:

- | | | |
|-------------------|---|---|
| Chairperson | - | City Mayor or his duly authorized representative |
| Co-Chairperson | - | Representative from the private sector, duly appointed by the City Mayor |
| Members: | | |
| Government | - | Chairperson, Sangguniang Panlungsod
Committee on Education, Science & Technology |
| | - | Chairperson, Sangguniang Panlungsod
Committee on Tourism and Beautification |
| | - | City Planning and Development Coordinator |
| | - | City Tourism Officer |
| Arts Community | - | One representative |
| Culture Community | - | One representative |
| Academe | - | One representative |
| Business Sector | - | One representative |

Section 22. Functions. The functions of the Davao City Culture and Arts Council shall be as follows:

- 1) Plan and promote cultural and artistic activities in the community with the end in view of establishing Davao City as the cultural center of Mindanao;
- 2) Conduct a coordinated and collaborative planning for the city's cultural development programs with persons and groups to ensure a unified direction of activities and consideration for local needs and priorities thereby effecting an environment of meaningful exchange and mutual support among its members;
- 3) Stimulate and implement artistic activities by encouraging collaboration of activities, respecting individual choices of expression and autonomy of each artistic sector in planning and implementing their activities and encouraging artists' articulation of social realities and priorities in their genres;
- 4) Develop linkages with national and international institutions such as the Cultural Center of the Philippines (CCP), the National Commission for Culture and the Arts (NCCA) and other similar networks of agencies and foundations which will support the activities of the council;
- 5) Preserve and promote the traditional arts of Davao City by enhancing public knowledge of the wealth of folk traditions of the City, being within the cultural crossroad of the indigenous communities and by acknowledging the significance of creative cultural expression as reflections of our cultural heritage;
- 6) Develop a program for artists through training apprenticeship, grants and the promotion of their works and encouraging their freedom of creative expressions.

Article L. Davao City Tripartite Industrial Peace Council

(Res. No. 081-04, s. 2004; EO No. 10, s. 2005)

Section 23. Composition. The Davao City Tripartite Industrial Peace Council shall be composed of the following:

Chairperson - City Mayor or his authorized representative
Co-Chairperson - Director, DOLE RO XI
Vice Chairperson - Chairperson, Sangguniang Panlungsod
Committee on Labor

Members:

- o 5 Representatives from the Government
- o 5 Representatives from the Management
- o 5 Representatives from the Workers

Section 24. Functions. The Council shall exercise the following functions:

- 1) To serve as an information network specifically on labor relations issues and industry configuration in Davao City;
- 2) To assist concerned agencies in the identification of industries or establishments with potentials for growth, as well as industries and establishment which are likely to experience labor dispute within Davao City;
- 3) To undertake projects toward the formulation of tripartite views, policy and program proposals, legislative proposals and appropriate recommendation on labor, economic and social concerns for submission to the Bureau of Labor Relations;
- 4) To play an active role in employment facilitation, generation, preservation and enhancement of skills of Filipino worker from formal sectors in Davao City;
- 5) To monitor implementation of action plans and policies;
- 6) To render conciliation, arbitration and mediation services on its own initiative or at the request of either/or both parties in labor disputes which are not filed with DOLE or its attached agencies; and
- 7) To perform such function as the need arise in order to maintain industrial peace and improve the quality of life of the Filipino workforce.

Article M. Davao City Chinatown Development Council
(Ordinance No. 179-03, s. 2003)

Section 25. Composition. The Davao City Chinatown Development Council shall be composed of the following:

Chairperson - City Mayor

Members:

- o LOCAL GOVERNMENT SECTOR
 - o Chairperson, Sangguniang Panlungsod Committee on Tourism and Beautification
 - o City Planning Development Coordinator
 - o City Tourism Officer
 - o Head, CENRO
 - o Head, City Engineer's Office
 - o Brgy. Captain, Brgy. 27-C
 - o Brgy. Captain, Brgy. 30-C
- o PRIVATE SECTOR
 - o Three (3) from the Business Sector
 - o Two (2) from the Civic Organization
 - o Two (2) from the Academe

Section 26. Functions. The Council shall exercise the following functions:

- 1) Plan, conceptualize and draft the Davao City Chinatown Development Plan in the context of ensuring the sustainable development of Chinatown;
- 2) Identify the development goals, objectives, programs and projects of the Chinatown Development Plan, and conduct feasibility studies;
- 3) Provide overall direction, coordination and supervision in the planning and implementation of the Davao City Chinatown Development Plan;
- 4) Enlist the support of the different divisions, departments, branches and bureaus of the City of Davao, as well as the NGO's and other components of the private sector involved with the development of Chinatown;
- 5) Define and promulgate its Implementing Rules and Regulations for the effective administration of its internal operations; and
- 6) Conduct itself and its operations in a manner consistent with national and local laws, as well as the policies and program of the City Government of Davao.

Section 27. Issuance of Executive Orders. The City Mayor shall issue an Executive Order reconstituting each of the above local special bodies within the first 60 days of his term of office following his election.

Article N. Davao City Water Resource Management Council
(Ordinance No. 117-01, s. 2001)

Section 28. Composition. The Davao City Water Resource Management Council shall be composed of the following:

Chairperson: City Mayor
Vice-Chairperson: City Administrator

Members:

- o Chairperson, S. P. Committee on Environment & Natural Resources
- o Chairperson, S. P. Committee on Energy, Transportation & Communication
- o General Manager, Davao City Water District
- o City Environment & Natural Resources Officer
- o City Health Officer
- o City Engineer
- o City Planning & Development Coordinator
- o City Legal Officer
- o Chief, Business Bureau

Section 29. Functions. The Davao City Water Resources Management Council shall have the following functions:

1. Ensure the implementation of all the provisions of the Water Resource Management & Protection Code and its Implementing Rules and Regulations;
2. Monitor all activities relative to the compliance or non-compliance of the provisions of the Water Resource Management & Protection Code and its Implementing Rules and Regulations;
3. Coordinate water protection, conservation, utilization and development activities of the agencies and offices represented in the Council; provided, that the Council shall not encroach upon the functions of these member offices as mandated by law;
4. Prepare a comprehensive program that will provide guidelines for the protection, conservation, management, utilization and development of the water resources of the city; and in coordination with the DCWD, a program for the protection, conservation, preservation and rehabilitation of the city's watersheds;
5. Study and recommend to the Sangguniang Panlungsod water resource protection laws which may, in the future, become necessary;
6. Conduct a continuing education program to generate public awareness and support to the need of protecting and conserving the water resources of the City.

Section 30. Duties and Powers. The Davao City Water Resource Management Council shall exercise the following duties and powers:

1. The Council shall prepare, develop and formulate a comprehensive Water Resource Management Development and Protection Plan for the City of Davao. In the preparation of the plan, due regard and consideration to public interest shall be given. The Council shall direct efforts toward the orderly development and management of water resources in order that sufficient and potable water will be available at a reasonable cost to the present and future generations of the city while furthering the economic development of the entire city;
2. The Council is hereby authorized to impose reasonable fees or charges as it may deem proper for water resources withdrawal, development, conservation and protection from well operators in Davao City, except when it is for purely domestic and municipal purposes;
3. The Council shall make studies, investigations and surveys of the occurrence, quantity and availability of ground and surface water in the city;
4. The Council shall coordinate with the Davao City Water District to determine suitable locations of future water facilities, taking into consideration the needs of the barangays and areas with critical water supply levels;

5. The Council shall, in coordination with the Davao City Water District and with other government agencies: 1) secure that minimum standards for safe and sanitary water supply and sewer services in residential areas and subdivisions, as well as those relating to septic tanks and other waste disposal systems, are met; and 2) prohibit or regulate activities in Davao City that may damage or cause deterioration of water resources;
6. The Council shall register and accredit water well drillers or owners for inventory and regulation purposes;
7. The Council shall design and implement a plan for the rehabilitation of the rivers and streams and their banks, their protection from destruction, diversion, and contamination, and their conservation for the beneficial use for the residents of the City;
8. The Council shall exercise police and visitorial powers in the implementation of the provisions of the Water Resource Management and Protection Code or where such exercise becomes necessary for the discharge of its functions.
9. If the Council acquires information that confirms the existence of a potential public health hazard because usable groundwater has been or is being polluted or contaminated, the Council, as soon as possible, but not later than five (5) days from receipt of the information, shall give a written notice regarding the pollution or contamination to the following persons/parties:
 1. The person/entity causing the pollution/contamination;
 2. The barangay captain of the locality where the danger occurs;
 3. The City Health Officer;
 4. Any other government agency exercising jurisdiction over the subject of the areas;

The Council shall, in accordance with law, act to correct the Hazardous situation and prevent further pollution or contamination within five (5) days from receipt of the written notice by the person or entity causing the hazard or contamination;

10. The Council or its authorized representative may enter a land or tenement where surface or ground water is extracted or appropriated to waste or in all instances where a well is operated in violation of the provisions of the Water Resource Management & Protection Code or existing laws and cause the owner of the land or tenement or water well operator to cease and desist from continuing said activity or illegal act. For this purpose, the Council shall be assisted by the Phil. National Police. This action of the Council shall be without prejudice to the filing of a criminal and/or civil complaint against the landowner, possessor or water appropriator as the case may be;
11. The Council may make recommendations for the City Mayor, to enter into a contract with any person or group to conduct research on any matter relating to the conservation and development of the City's water resources; provided that the contract shall be subject to prior legislative authority;

12. The Council may source out funds for research and planning activities for the proper conservation and development of the city's water resources and for facility engineering in economically distressed areas.

**Article O. Davao City Marine Protected Area (MPA)
Management Body**

(Ordinance No. 0375-07, s. 2007)

Section 31. Creation. A Local Davao City Marine Protected Area (MPA) management body shall be created in each of the Davao City MPAs through an Executive Order of the Mayor composed of representatives from the Barangay, Barangay Fisheries & Aquatic Resources Management Council (BFARMC), people's organization, non-government organization and other concerned agencies.

Section 32. Functions. The Davao City Marine Protected Area (MPA) management body shall have the following functions, duties and responsibilities:

1. Coordinates with the Davao City Marine Protected Area (MPA) Division;
2. Formulates local Davao City MPA management plan;
3. Implements local Davao City MPA plans, programs and projects and policies;
4. Sources out, utilizes and/or allocates funds (internal and external);
5. Enforces relevant laws;
6. Monitors and evaluates Davao City MPA plans, programs and projects; and
7. Recommends priority programs and projects as well as relevant policies.

Article P. International Relations Board of Davao City
(Ordinance No. 099-08, s. 2008)

Section 33. Composition. The International Relations Board of Davao City shall be composed of the following:

1. The City Mayor as Chairperson;
2. Chairperson, Committee on International Relations;
3. Chairperson, Committee on Tourism;
4. Chairperson, Committee on Trade and Industry;
5. Chairperson, Committee on Information and Communication Technology;
6. Officer-In-Charge, Davao City Investment Promotion Center (DCIPC);
7. City Planning and Development Coordinator;
8. Co-Chairman, City Tourism Council;
9. City Information Officer;
10. City Agriculturist;
11. Regional Director, Department of Science & Technology XI (DOST-XI)
12. City Director, Department of Trade and Industry XI (DTI XI)
13. President, Davao Colleges and Universities Network (DACUN);
14. Chair, Mindanao Economic Development Council (MEDCO);
15. President, Davao City Chamber of Commerce & Industry (DCCCII)
16. Regional Director, Department of Foreign Affairs- XI (DFA-XI); and
17. Provincial Director, Technical Skills and Development Authority – XI (TESDA- XI)

Section 34. Powers and Functions: The Board shall have the following duties and functions:

- a. Act as advisory group for the Committee on International Relations which is ad hoc in nature and “on-call” basis engagement;
- b. The Board shall serve as “Think tank” for the Committee on International Relations on matters pertaining to international engagements and the like;
- c. The Board together with the Committee on International Relations shall review proposals on sister cities;
- d. The Board shall come up with proposed strategic agenda for Davao City on matters pertaining to international engagements;
- e. The Board shall provide substantive inputs to the Committee on International Relations especially in coming up with priority legislation, programs and projects of the said committee;
- f. Assist in the review of the committee’s mandate and come up with recommendations to strengthen and sustain the efforts that will be initiated by the committee;
- g. Inform the Committee on International Relations on relevant international events or prospective initiatives beneficial and strategic to the city whereby creating a significant impact to the city’s development.

Section 35. Rule Making Power. The Board shall issue the Implementing Rules and Regulations as maybe necessary for the effective implementation of the provisions of the Ordinance within ninety (90) days from effectivity thereof.

Article Q. Davao City Bus Terminal Board
(Ordinance No. 110, s. 1986)

Section 36. Composition. The Davao City Bus Terminal Board shall be composed of the following:

A Representative of the City Mayor - Chairperson

Members:

- o A Representative of the City Treasurer
- o A Representative of the Sangguniang Panlungsod
- o A Representative of the Bus Operators as may be appointed by the City Mayor
- o A Representative of the business and civic organization as may be appointed by the City Mayor

Unless otherwise called by a written call of the City Mayor, the Board shall meet twice a month at such place and time as may be determined and agreed upon by the Board.

Section 37. Powers, Functions and Responsibilities. It shall be vested with the following functions, powers and responsibilities, *viz:*

1. It shall adopt requisite policy guidelines and standards in the management and administration of the Davao City Overland Terminal;

2. It shall promulgate rules and regulations governing the operation, administration and maintenance of the bus terminal;
3. It shall adopt rules and regulations regarding the use of terminal premises by the management of the different bus companies;
4. It shall issue guidelines in the manner or mode of disposition of all rentable areas in the terminal;
5. It shall fix terminal fees which shall be charged against bus operators and terminal concessionaires;
6. It shall provide authorization and regulation on portage and cargo handling at the terminal;
7. The Board shall formulate other regulating measures as may be necessary in the effective administration, maintenance and operation of the terminal;
8. Cause the detail of personnel from various city offices who shall initially compose the management staff of the terminal, until such time that the terminal becomes self-liquidating; and
9. All the policies herein mentioned and all those that the Board may promulgate shall be subject to the approval of the City Mayor.

**Article R. City Anti-Smut, Movie and Television Review
and Classification Board**

(Ordinance No. 568, s. 1992)

Section 38. Composition. The City Anti-Smut, Movie and Television Review and Classification Board shall be composed of the following:

Chairperson	- City Mayor
Vice-Chairperson	- City Administrator

Members:

- Representative of the City Legal Office
- Representative of the Sangguniang Panlungsod
- Representative from the Private Sector

Section 39. Functions. The City Anti-Smut, Movie and Television Review and Classification Board shall have the following functions:

1. To inspect all proclaimed doctrines openly contrary to public morale, published obscene literature, all public exhibitions, shows or motion pictures or publicity materials in movie houses, theaters and public establishments;
2. In case of discovery of any motion picture or publicity materials which, although approved by the board, but has been tampered with to introduce any unapproved matter, to immediately seize the article containing such unapproved matter.

**Article S. Davao City Recreation Center Board
(ALMENDRAS GYM)
(Ordinance No. 514, s. 1985)**

Section 40. *Composition.* The Davao City Recreation Center Board (Almendras Gym) shall be composed of the following:

Chairperson - City Mayor

Members:

- o Floor Leader of the City Council
- o Chairperson, Committee on Youth and Sports Development
- o Chairperson, Committee on Government Enterprises
- o Representative of the City Treasurer
- o Representative of the City Engineer
- o Representative of the Private Sector

Section 41. *Functions.* It shall have the following powers and functions:

- 1) To recommend to the City Mayor and provide for the collection of the prevailing rentals, charges and fees for the use of similar recreational facilities in the City of Davao, subject to the approval of the Sangguniang Panlungsod and the City Mayor;
- 2) To recommend to the Sangguniang Panlungsod and to the City Mayor the adoption of a plantilla of administrative personnel, for the efficient administration, operation, lighting, sanitation and security of the center and its facilities, and to recommend the salaries of its employees, provided, however, that such salaries shall not exceed the salaries of employees of the City Government performing equivalent or similar duties;
- 3) To undertake and provide for the repair, construction, maintenance, improvement and/or expansion of the facilities of the Center, in order that the center can more effectively render and deliver the public services for which it had been constructed;
- 4) To program and disburse any funds which the City Government and administration of the center and of its income resulting from its operation; and
- 5) To exercise such other powers and perform such other duties and functions as may be prescribed by Ordinance.

**Article T. Museo Dabawenyo Advisory Board
(Ordinance No. 0266-06, s. 2006)**

Section 42. *Composition.* The business of the Museum shall be conducted by a Museo Dabawenyo Advisory Board which shall be composed of the following:

Chairperson - City Mayor

Vice-Chairperson - School Division Superintendent, DepEd

Members:

- o Chairperson of the S. P. Committee on Education, Science and Technology, Arts and Culture
- o Chairperson of the S. P. Committee on Tourism and Beautification
- o Chairperson of the Davao Historical Society
- o Four (4) Representatives from the Private Sector

The Private Sector Representatives shall be selected on the basis of their demonstrated interest in and commitment to the museum besides their contribution to history, arts and culture.

The Director of the Museo Dabawenyo shall be an ex-officio member of the Board.

Section 43. Appointment of Board Members. The private sector representatives shall be appointed by the City Mayor from a short list nominated by recognized Non-Government Organizations (NGOs) in the museum and cultural sectors, as well as by reputable business groups. The private sector representatives shall be appointed for a term of three (3) years. Of those first appointed, two (2) representatives shall be appointed for a three-year term; the other two (2) shall be appointed for a two-year term. They shall all be eligible for one reappointment. In no case shall any representative be appointed or designated in a temporary or acting capacity. Appointment to a position vacated due to death, disability, resignation or any similar cause, shall be for the duration of said unexpired term of the predecessor.

Section 44. Organization of the Board, Expenses, Gratuitous Services and Powers. The Museo Dabawenyo Advisory Board may function notwithstanding vacancies, and at any meeting of the Board, five (5) shall constitute a quorum to do business. The service as members shall be gratuitous. However, they shall be entitled to transportation allowance, subject to availability of funds.

The Board is authorized to adopt an official seal which shall be judicially noticed and shall make such by-laws, rules and regulations, as it deems necessary for the administration of its functions under this Article, including among others matters by laws, rules and regulations relating to the acquisition, exhibition and loan of works of art, the administration of its trust funds and the organization and procedure of the Board.

The Museo Dabawenyo Advisory Board shall appoint the Director of the Museo Dabawenyo. The Director shall be in charge of the overall operations and administration of the museum and implement the policies set by the Board and programs approved by it. The Director shall have a proven track record of competent administration and shall be knowledgeable about museum management.

CHAPTER VIII

PUBLIC MORALITY

Article A. Prostitution and Other Lewd Activities

Section 1. Prohibited Acts. ¹⁴¹

- A. No person shall be allowed to victimize women and men to commit a life of prostitution and other lewd activities.
- B. No recruiters, pimps, funhouse operators and customers shall individually or jointly commit any of the following acts:
 - i. Victimize women to commit a life of prostitution and other lewd activities under the pretext of promise of decent employment.
 - ii. Promote or facilitate the prostitution or corrupting of women and men who are underage to be prostitutes to satisfy the lust of others.
 - iii. Engage in any manner or under any pretext in the business of white slave trade.
 - iv. Participate in the business of prostitution by satisfying the lust within the prostitution den.

Section 2. Definition of Terms. ¹⁴²

- a) Recruiter – refers to any person who engages in any act of enlisting, contracting, transporting, utilizing, hiring or procuring women including the conduct of referrals for the purpose of prostitution.
- b) Pimp – a person who acts as intermediary for another who would provide gratification for lust of others.
- c) Prostitute – refers to a woman and a man who habitually indulges in sexual intercourse or lascivious conduct for money or profit.
- d) Corruption of minors – refers to any act of a person who promotes or facilitates the prostitution or corruption of women and men who are underage to satisfy the lust of another.
- e) White slave trade – refers to any act of a person, who, in any manner, or under any pre-text, shall engage in the business or shall profit by prostitution or shall enlist the services of women for the purpose of prostitution.

¹⁴¹ Section 2, Ord. No. 1329, s.1993 “Penalizing recruiters, pimps, funhouse operators & customers who victimize women to commit prostitution & other lewd activities”

¹⁴² Section 1, *Ibid.*

Section 3. Penalty. Any violation of the provisions of this Article shall be fined by not more than P5,000.00 or by imprisonment of not more than six (6) months or both at the discretion of the court. ¹⁴³

Article B. Banning of Bandera Magazine and other Pornographic Materials

Section 4. Prohibited Act. No person shall be allowed to distribute Bandera Magazine and other pornographic printed materials displaying obscene pictures in the City of Davao. ¹⁴⁴

Section 5. Penalty. (NO PENALTY STATED – based on Ordinance No. 212, s. 1991)

Article C. Anti-Pornography

Section 6. Regulated Act. No motion picture, television program or related publicity material shall be available for theatrical distribution or exhibit or broadcast by television, without prior permit issued by the Board. ¹⁴⁵

Section 7. Definition of Terms. ¹⁴⁶

1. Board – the constituted City Anti-Smut, Movie and Television Review and Classification Board as counterpart to the Movie and Television Review and Classification Board created under Presidential Decree No. 1986;
2. Persons – means any individual, industry, corporation, partnership, association, firm or owner, lessee or manager of the theater or establishment, his agent or assignee;
3. Immoral Doctrines – are openly proclaimed or publicly expounded beliefs and attitudes that are contrary to public morals;
4. Obscene Publications and Exhibitions – means write-ups which tend to arouse or corrupt the mind of persons;
5. Indecent Shows – means the exhibition of immoral plays, scenes, or acts shown live or in film in theaters, fairs, clubs or in any other place;
6. Motion Picture – a series of pictures projected on a screen in rapid succession, with objects shown in successive positions slightly changed so as to produce the optical effect of a continuous picture in which the objects move whether the picture be black and white or colored, silent or with accompanying sound, on whatever medium and with whatever mechanism or equipment they are projected, and in whatever material they are preserved or

¹⁴³ Section 3, *Ibid.*

¹⁴⁴ Section 1, Ord. No. 212, s. 1991 “Banning the Distribution of Bandera Magazine & other papers, magazine and all printed materials displaying obscene pictures”

¹⁴⁵ Section 4, Ord. No. 50, s.1987 “Anti-Pornography Ordinance”

¹⁴⁶ Section 3, *Ibid.*

recorded for instant projection. The material in which the motion picture is contained, preserved or recorded forms part of the motion picture. The term film is herein used synonymously with motion pictures;

7. Television Broadcast – public showing by transmitting sound or images by television or similar equipment, including cable television and other limited audience distribution;
8. Theatrical Distribution – public showing or exhibition of motion pictures in theaters, movie houses, or any other places imposing admission fees to persons for entertainment, education, information and advertisement;
9. General Viewing – refers to motion pictures made available to the general public for its viewing whether through film packs or public lending clubs or similar organizations;
10. General Patronage or “G” – a classification of motion pictures admission to which is open to persons of all ages;
11. Parental Guidance or “P” – a classification of motion pictures cautioning parents on the delicate content of the film and the need for parental guidance in its appreciation;
12. Restricted or “R” - a classification of motion pictures admission to which is limited to adults. Adults are persons eighteen (18) years of age or over;
13. Not for Public Viewing or “X” – a classification of motion pictures disapproved by the Board for public exhibition or television broadcast;
14. Television Program – any matter aired or broadcasted on television including live and pre-taped programs, product and service advertisements, teleplays, and motion pictures originally shown in movie houses or elsewhere;
15. Publicity Material – any material employed to generate public interest in a motion picture, including file trailers, advertisement copies, still photos, leaflets, posters and billboards.
16. Review – the process of examining motion pictures, television programs and related publicity materials and determining whether using the standard set by law, they are fit for importation, exportation, production, copying, distribution, sale, lease, exhibition, or broadcast by television. The process include the determination as to what audience classification the film may be exhibited;
17. Pornography – As used herein is synonymous with obscenity the test of which is whether to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals prurient interest. This includes patently offensive or demeaning representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, including but not limited to zocerastia, and anal or oral sexual intercourse; patently offensive representations, excretory functions and lewd exhibition of the genitals; and explicit sexual exploitation of children.

Section 8. Prohibited Acts. It shall be unlawful for any person: ¹⁴⁷

1. to publicly expound or proclaim doctrines that are contrary to public morals;
2. to publish, distribute and sell obscene literature;
3. publicly display and exhibit indecent or immoral plays, scenes, acts or shows, whether live or in film, which:
 - a. glorify criminals or condone crimes;
 - b. serve no other purpose but to satisfy the market for violence, lust or pornography;
 - c. offend any race or religion;
 - d. tend to abet traffic in and use of prohibited drugs; and
 - e. are contrary to law, public order, morals, good customs, established policies, lawful orders, decrees and edicts.
4. sell, distribute and display prints, engravings, sculpture or literature which are offensive to morals.
5. distribute pornographic films and such other films or motion pictures disapproved by the Board for public exhibition or television broadcast, including the use of publicity materials therefore.
6. to tamper with any motion picture, television program, or publicity material previously approved by the Board in order to introduce, intercalate or insert any disapproved matter.
7. to allow individuals below eighteen (18) years of age to enter, to misrepresent or make use of any false evidence about his or her age in order to gain admission into, a movie house or theater showing a motion picture classified as "Restricted" or "For Adults Only " by the Board.
8. to sell or to receive from, another person known to the former to be below eighteen (18) years of age, any admission ticket to the exhibition of motion pictures classified as "Restricted 18" or "For Adults Only". In case of doubt as to the age of the person seeking admission, the latter shall be required to exhibit his or her residence certificate or other proof of age.

Section 9. Rules and Regulations. ¹⁴⁸

The person or entity to whom a permit has been issued by the Board shall use such permit only for the purpose or purposes stated in it. He shall preserve the integrity of the motion pictures, television program, or related publicity materials in the conditions they were approved, guarding against insertions in or additions to them of disapproved matters.

¹⁴⁷ Section 4, Ord. No. 568, s.1992, "Prohibiting the Selling of Immoral Doctrines, obscene publications and exhibitions and the showing of indecent pornographic films, etc."

¹⁴⁸ Section 7, Ord. No. 568, s.1992, "Prohibiting the Selling of Immoral Doctrines, Obscene publications and exhibitions and the showing of indecent pornographic films, etc."

A. Movie houses and television studio owners and their managers, as well as the operators of limited audience cinema shall:

- a. Exhibit only motion pictures, television programs, related publicity materials covered by appropriate Board permit. In case of television broadcast whose kind of audience cannot be controlled, only television programs and publicity materials classified by the Board as suitable for general patronage or with parental guidance may be broadcast..
- b. Any exhibition of films approved by the Board shall be preceded by a short announcement on the screen showing the Board's classification of the film and the fact that it has been approved by the Board for public viewing.
- c. Theater owners and their managers shall prominently display a copy of the permit to exhibit in front of the ticket office. The permit thus posted should have the following requisites:
 - i. It should be authentic and bear the seal of the Board.
 - ii. It should match the film currently shown in the movie house.
 - iii. It should point out the cut portions of the film as reviewed by the Board.
 - iv. It should contain the film's classification, whether for general patronage or G, parental guidance or P, restricted or R, etc.
- d. Maintain a three feet high standee on the theater lobby announcing the Board's classification of the film. In case two films are presented as double features, the more restrictive classification shall govern the announcement and the admission into the theater.
- e. In case of movie houses and other places of exhibition open to the public, the owners and their managers shall, in case the film being exhibited is for adults only, screen and refuse admission to persons below eighteen (18) years of age, or in case the film is with parental guidance classification those twelve (12) years of age and below and, exclusion of such persons if, by some devise they have gained illegal entrance into the premises. In case of doubt, the film exhibitor or his agent shall demand his residence certificate or other proof of age.
- f. Holders of approved print and sign advertisements bearing the stamp of the Board shall, when using such advertisements, cause to be stated on them the Board's classification of the film.

Section 10. *Administrative Provisions.* The Office of the City Mayor shall constitute and organize a Davao City Anti-Indecency Board, whose head and members, he may designate from the City Legal Office, representative from the Sangguniang Panlungsod and representative from the private sector. Such Davao City Anti-Indecency Board shall assist in the overseeing and implementation of the provisions of this Chapter. ¹⁴⁹

¹⁴⁹ Section 11, Ord. No. 568, s.1992 "Prohibiting the Selling of Immoral Doctrines, obscene publications and exhibitions and the showing of indecent pornographic films, etc."

The City Mayor or his duly authorized representative shall have the power to inspect all proclaimed doctrines openly contrary to public morals, published obscene literatures, all public exhibitions, shows or any motion pictures or publicity materials in movie houses, theaters and other public establishments, and in any case, upon discovery of any motion or publicity materials which, although previously approved by the City Anti-Smut, Movie and Television Review and Classification Board has been tampered with to introduce any unapproved matter, to immediately seize the article containing or incorporating such unapproved matter and to cause the prosecution of the person(s) responsible for the violation of this Chapter. Upon conviction of the violator(s), the materials seized as well the other proceeds or instruments of the crime shall be disposed of in accordance with law.

Section 11. Penalty. Violation of any provisions of this Article shall be punished by imposing the penalty of one (1) year imprisonment or a fine of not exceeding P2,000.00 or both at the discretion of the court, in accordance with Section 458 (1) (iii) of Republic Act 7160, otherwise known as the Local Government Code of 1991, and by the permanent cancellation or revocation of their business permits and/or franchise. ¹⁵⁰

¹⁵⁰ Section 13 of Ordinance No. 568, s. 1992, “Prohibiting the Selling of Immoral Doctrines, Obscene publications and exhibitions and the showing of indecent pornographic films, etc”, as amended by Ordinance No. 066, s. 2000

CHAPTER IX
REGULATIONS ON BUSINESS OR TRADE ACTIVITIES

Article A. Business Registration

Section 1. Regulated Acts. No person shall operate, or engage in any kind of business or trade activities, without first securing a permit from the City Mayor and paying the corresponding permit fee imposed under existing tax ordinances. Business shall refer to, but are not limited to, the following:

- a) Manufacturers, assemblers, importers, producers of any article of commerce of whatever nature or kind, including brewers, distillers, rectifiers, repackers, compounders of liquor, distilled spirits and/or wines, and other intoxicating beverages;
- b) Retailers, independent wholesalers, dealers and distributors, including convenience stores or grocery stores of liquor, distilled spirits and/or wines and other intoxicating beverages;
- c) Exporters;
- d) Manufacturers, producers, importers, wholesalers or retailers of essential commodities;
- e) Contractors and other independent contractors;
- f) Banks and other financial institutions;
- g) Hotels and motels;
- h) Lodging houses or inns, pension houses and apartelles;
- i) Boarding houses and dormitories;
- j) Restaurants, cafes, cafeterias, ice cream and other refreshment parlors, soda fountains, carenderias, food caterers and other similar establishments;
- k) Shopping centers or malls;
- l) Privately-owned public markets;
- m) Real Estate dealers (subdivision operators or lessors of real estate);
- n) Private cemeteries and memorial parks;
- o) Operators of rice and corn mills engaged in the milling of rice and corn belonging to others;
- p) Cockpits;
- q) Private Detective or Security Agencies;
- r) Fishponds, fishpens or fish breeding grounds;

- s) Pawnshops;
- t) Travel Agencies;
- u) Poultry or piggery farms, and other similar establishments;
- v) Money shops, lending investors and investment companies;
- w) Dealers of fermented liquors, distilled spirits and/or wines, such as:
 - Wholesale dealers in foreign liquors
 - Wholesale dealers in domestic liquors
 - Retail dealers in foreign liquors
 - Retail dealers in domestic liquors
 - Retail dealers in fermented liquors
 - Wholesale dealers in fermented liquors
 - Retail dealers in tuba, basi and/or tapuy
- x) Tobacco dealers, such as:
 - Retail leaf tobacco dealers
 - Wholesale leaf tobacco dealers
 - Retail tobacco dealers; Retail of cigars/cigarettes
 - Wholesale tobacco dealers;
 - Wholesale of cigars-cigarettes.
- y) Amusement places including those wherein the customer thereof participates without making bets or wagers such as the following:
 - Day and night clubs
 - Day club or night clubs
 - Cocktail lounges
 - Cabaret or dance halls
 - Bath houses, swimming pools, resorts and other similar places
 - Skating rinks
 - Steam baths, sauna and other similar establishments
 - Billiard or pool halls
 - Bowling alleys
 - Circuses, carnivals or the like
 - Merry-go round, roller coaster, ferriswheel, swing, shooting galleries, and other similar contrivances.
 - Boxing Stadium
 - Casino
 - Race track
 - Theaters and cinema houses
 - Amusement devices such as, jukebox or apparatus for visual entertainment or for weighing persons
 - Golf links, polo field, or pelota court;
 - Other similar establishments or business activities.

Section 2. Issuance of Business Permit Registration Plate. After a business permit is secured and the corresponding taxes and fees are paid, all operators or owners of any business with, fixed place of business operation or address, shall be issued a corresponding Business Registration and Identification plate by the Business Bureau upon payment of the cost of the plate in the amount of One Hundred Fifty Pesos (₱ 150.00) at the City Treasurer’s Office. ¹⁵¹

Section 3. Administrative Provision. The Business Registration and Identification Plate may be used for a period of five (5) years from issuance thereof, replaceable every five (5) years thereafter. However, the same shall be validated yearly with a printed sticker where the current year of issuance is clearly indicated and attached to the plate, likewise to be issued by the Business Bureau, after payment of the cost of the sticker in the amount of Five Pesos (P5.00) at the City Treasurer’s Office.¹⁵²

Section 4. Form and Plate of the Sticker. The Business Registration and Identification Plate and the corresponding validation sticker shall be in the material and form prescribed by the Business Bureau, subject to the approval of the City Mayor.

Section 5. Rules and Regulations. a) Business Registration and Identification Plate issued to all owners or operators of business establishments shall at all times be posted or displayed at public view. b) When a person desires to retire his business or in case the establishment is closed, the person conducting the same shall surrender the Business Registration and Identification Plate and Validation Stickers to the Business Bureau. ¹⁵³

Section 6. Penalty. Violators of the provisions of this Article shall be penalized with administrative fine which shall be imposed in accordance with the rules and regulations implementing this Article, to be collected by the City Treasurer’s Office, as follows: ¹⁵⁴

First Offense	₱	200.00
Second Offense		500.00
Third Offense		1,000.00 and revocation or cancellation of the business permit and withdrawal of the business registration and identification plate and validation sticker

Article B. Regulations on Internet Cafes

Section 7. Regulated Acts. All Internet Café establishments are required to seek membership with the Internet Accrediting Board of Davao City whose composition and functions are contained in City Ordinance No. 106, series of 2000, as amended by City Ordinance No. 0227-04, series of 2004. Accreditation is a requirement for the issuance of business permit or license to operate.

¹⁵¹ Section 3, Ord. No. 0192-04 “Requiring all Business Establishments with fixed places of business operations or addresses to register and secure a Business Registration and Identification Plates and yearly validation stickers”

¹⁵² Section 4, *Ibid.*

¹⁵³ Sections 6 & 7, *Ibid.*

¹⁵⁴ Section 8, *Ibid.*

Section 8. Nature and Scope. The operation of Internet Cafes covers the following: ¹⁵⁵

- a. Any establishment which includes residential units with more than one computer unit principally offering Internet services including, but not limited to, e-mail, fax, online and network games, chatting, surfing and other such services covered by Internet technology which are accessed for a fee;
- b. Other business establishments that offer a combination of services such as food and Internet, bar and Internet recreation, and others of similar nature. Internet and other combinations are still included as Internet Café and shall be covered by this Article;
- c. Internet Café establishments expanding to other lines of services such as offering short term courses which may run between one (1) to six (6) months and which may fall under computer programming, computer technology and other such similar courses shall apply for a permit to offer courses from the Technical Education and Skills Development Authority (TESDA)

Section 9. Exception. Educational institutions, private homes and corporate entities using the Internet through an Internet Service Provider (ISP) for purposes other than business shall not fall under the category of Internet Café establishments.

Section 10. Administrative Provisions. All Internet Café establishments are subject to the following guidelines: ¹⁵⁶

- a. Internet Cafes are required to secure business permit and other licenses required by the City Government in order to operate;
- b. Internet Cafes which offer a combination of other services, as defined in this Article, are also required to secure business permit and other licenses aside from the business permit secured for their original business;
- c. Selling of food and meals are allowed only when Internet Café establishments have the permit to operate food vending business or selling within their premises;
- d. A fixed hourly rate for Internet use to be followed by all registered Internet Cafes shall be set by the Business Bureau for purposes of uniformity and compliance. The hourly rate shall be arrived at after proper consultation with owners and/or authorized organizations of Internet Café owners;
- e. Printing and documentation such as downloading of files and data from the Internet shall be subject to a fixed rate or amount approved by the Business Bureau;

¹⁵⁵ Section 3, Ord. No. 0227-04 “Prescribing Guidelines and Regulations on the Operation and Services of Internet Café in Davao City, as amended”

¹⁵⁶ Section 4, Ord. No. 0227-04 “Prescribing Guidelines and Regulations on the Operation & Services of Internet Café in Davao City”

- f. For purposes of uniformity, all Internet services defined in this Article shall have a corresponding fixed rate prescribed by the Business Bureau. Increase and other modifications of rates shall follow the process of formal application and approval by the Business Bureau.

Section 11. Guidelines on Services Offered. The following services of Internet Café establishments are covered by this Article, specifically viewing, sourcing and interacting with: ¹⁵⁷

- a. Magazine archives
- b. Public and university resources
- c. Current world and business news
- d. Advertisement and shopping
- e. Sports and recreational resources
- f. Entertainment and games
- g. Chatting and E-mail
- h. E-commerce and various printing and documentation needs

Section 12. Consortium, Linkages and Networking with Other Sectors and Agencies. Internet Café establishments may enter into consortium with private educational institutions for the purpose of providing computer technology information to students without prejudice to its permit or license. Linkages or networking with government agencies for business purposes shall be regulated by existing applicable laws or regulations.

Section 13. Prohibited Acts. It shall be unlawful for Internet cafes to: ¹⁵⁸

- Operate without business permit or license;
- Operate other business in combination with Internet services without the necessary business permit;
- Allow pupils or students to surf or source data or information other than those needed for study or educational purposes during school days;
- Sell or allow the use or consumption of prohibited drugs and intoxicating drinks within the Internet Café premises;
- Allow smoking and selling of cigarettes within its premises, especially to children and minors;
- Source, access or provide internet users, whether adults or children, internet materials or data that would constitute gambling, graphic, sex, pornography, lewd and vulgar languages;
- Allow the use of Internet facilities for fraud and deceit whether of sexual or business nature, promotion of indecent and immoral behavior, the sourcing or accessing of depictions of nudity, graphic sex and other forms of lewd pictorial presentations, injurious materials and confidential websites that are protected by the local government.

¹⁵⁷ Section 5, *Ibid.*

¹⁵⁸ Section 9, Ord. No. 0227-04 “Prescribing Guidelines and Regulations on the Operation & Services of Internet Café in Davao City”

Section 14. Penalty. Any violation of the provisions of this Article shall be punished as follows: ¹⁵⁹

- First Offense: a fine of ₱ 1,000.00 and/or five (5) days suspension of business operation
- Second Offense: a fine of ₱ 3,000.00 and/or two (2) weeks suspension of business operation
- Third Offense: a fine of ₱ 5,000.00 and/or revocation of business permit

Article C. Bars/Videoke Bars

Section 15. Definition of Terms.

“Bar” shall include any place or establishment whose principal business is the sale of alcoholic beverages or liquors of any kind to be used and consumed within its premises. A Videoke bar is deemed included in the definition of bar. A bar that allows dancing within its premises shall be considered a nightclub, cabaret, dancing school or dance hall, as the case may be, shall be subject to the provisions of this article. ¹⁶⁰

“Cabaret, dance hall, or dancing school” shall include any place or establishment where dancing is permitted to the public and where professional hostesses or dancers are employed or where admission fee or any other charge for dancing is collected.

“Professional hostess” shall include any woman employed who dances at any of the establishments herein defined for a fee or remuneration paid directly or indirectly by the operator or by the persons with whom she dances.

“Operator” shall include the owner, manager, administrator, or any person who operates and is responsible for the operation of any nightclub, cabaret, dancing school or dance hall in accordance with the provisions of these regulations.

Section 16. Regulated Acts.

- a) No person, firm or corporation shall engage in the operation of bars and videoke bars without first securing a permit from the City Mayor upon the recommendation of the Chief of the Bureau of Fire Protection, City Health Officer, City Engineer and the Chief of the Business Bureau and paying the corresponding permit fee imposed under existing tax ordinances.
- b) Persons carrying deadly weapons or firearms of any description, except peace officers in proper police uniform especially detailed therein to keep order and those on special mission to apprehend criminals and other law violators, shall not be admitted nor allowed to remain in any bars, cabarets, dancing schools, or dance halls. ¹⁶¹

¹⁵⁹ Section 10, *Ibid.*

¹⁶⁰ Section 1, Ord. No. 17, s.1964 “Amending Ord. No. 37, s. 1956, otherwise known as “An Ordinance Regulating the establishment, maintenance & operation of Bars”

¹⁶¹ Section 5, par.(a), Ord. No. 040, s. 1999 “Regulating the Establishment, Maintenance and Operation of Bars/Videoke Bars in Davao City”

- c) No bar shall be established within a radius of one hundred (100) lineal meters from the perimeter fence of any public building, school, public library, church or hospital. ¹⁶²
- d) No person shall be employed as entertainer, drink or food server in any bar unless he/she is at least twenty-one (21) years of age, provided that a person who is below twenty-one (21) but more than eighteen (18) years old shall submit a written consent signed by his parent or guardian. For this purpose, the corresponding birth certificate duly authenticated by the National Statistics Office (NSO) must be presented and submitted. ¹⁶³
- e) No entertainer, drink or food server or any other female or male employee of a bar shall be allowed to remain in its premises after its closing hours at 2:00 o'clock in the morning. ¹⁶⁴

Section 17. Rules and Regulations. Bars and Videoke bars shall be subject to the following rules and regulations:

- 1) The provision as to location shall not apply to bars licensed and operating at the time of the approval of Ordinance No. 040, series of 1999, nor will the opening of any public building or other premises from which distance shall be measured prejudice any bar then licensed and operating; provided, however, that such bar established within one hundred (100) lineal meters from any school, hospital, public library or church shall be so constructed as approved by the City Engineer, so that the noise coming therefrom shall not disturb those in the school, hospital, public library or church, and if such noise causes such disturbances, then such bar shall operate on the following time as specified in this Article. ¹⁶⁵
- 2) Bars shall be well-lighted at all times leaving no dark corners and shall be maintained under good sanitary condition. There shall be no private rooms nor separate compartments, except those assigned for lavatories, bar counter where liquors are on display, owner or manager's room, dressing room for ladies and kitchen. ¹⁶⁶
- 3) Bars constructed, operated and located within a radius of one hundred (100) lineal meters from the perimeter fence of any public building, school, public library, church or hospital prior to the effectivity of this Code, shall begin its business hours as herein provided: ¹⁶⁷
 - a. For bars located near a school:
 - i. Start of operation shall be at 9:30 p.m. for bars located near colleges and universities;
 - ii. Start of operation shall be at 6:00 p.m. for bars located near schools offering only elementary and secondary education. Provided, however, that if

¹⁶² Section 2, *Ibid.*

¹⁶³ Section 5, paragraph (b), Ord. No. 040, s. 1999 "Regulating the Establishment, Maintenance and Operation of Bars/Videoke Bars in Davao City"

¹⁶⁴ Section 5, paragraph (c), *Ibid.*

¹⁶⁵ Section 2, *Ibid.*

¹⁶⁶ Section 3, *Ibid.*

¹⁶⁷ Section 4, *Ibid.*

the school offers evening classes, then the bar can start to operate only at 9:30 p.m. to 2:00 a.m.

- b. For bars located near a public library, they can start its operation only after library hours;
 - c. For bars located near a hospital, they can start its operation at 6:00 p. m.
 - d. For bars located near a church, they can start its operation only when there are no religious activities or services going on.
- 4) The following signs shall be placed at the main entrance of the amusement place:
“MINORS ARE NOT ALLOWED” and
“DEPOSIT YOUR FIREARMS WITH THE MANAGEMENT”.
- 5) Bars shall be under the supervision of the City Mayor who is hereby charged with the enforcement of the Ordinance. Wherever public interest so requires, or at the request of the operator, the City Mayor may assign one or more uniformed police officer in any bar to maintain peace and order and implement the provisions of the Code.
- 6) In addition to the permit herein required, the operator shall obtain a license from the City Treasurer.
- 7) The operator, before employing any worker, must require the presentation and submission of the birth certificate duly authenticated by the National Statistics Office (NSO), secure the necessary permit and/or health certificate and to produce evidence of payment of his or her license fee.
- 8) In no case shall any entertainer or drink or food server be allowed to work in the aforesaid places of amusement unless he or she shall have provided and submitted the papers herein required. In cases where no birth certificate is available, a certification from the Local Civil Registrar where the person is supposed to have been born together with an affidavit of two (2) disinterested persons attesting to the birth of the person must be submitted.
- 9) The operator is required to post on a conspicuous place inside the hall a billboard showing the different kinds of drinks for sale and their respective prices for the information of the customers.
- 10) Peace officers who are not detailed to maintain peace and order and those who have no mission to perform in said places of amusement and private persons holding firearms shall deposit the same with the management upon entering the place.

Section 18. Complaints. Any person who believes that the bar is established or located in any place not authorized by this Article or is not operating or conducting business in accordance with the provisions of the Code, may file a complaint before the Office of the Chief of the Business Bureau who will recommend to the City Mayor the cancellation of the permit or both the permit and the license after proper investigation and decision is made on the complaint.

Section 19. Revocation of Permit. The City Mayor shall revoke any permit or license granted under these regulations upon satisfactory evidence that the use of illegal drugs and gambling or playing of any prohibited game has taken or is taking place within the premises of any bar. In case of violation of any of the herein

provisions, the permit for the operation of a bar shall be withdrawn by the City Mayor and the license revoked. Such revocation of the permit and license shall operate to forfeit to the City all sums paid therefore. ¹⁶⁸

Section 20. Penalty. Any violation of the provisions of this Article shall be punished as follows: ¹⁶⁹

- a) Bar operators and owners who are found to have violated any provision of this Article shall pay a fine of Five Thousand Pesos (P5,000.00) or by imprisonment of not less than six (6) months but not more than one (1) year or both, such fine and imprisonment at the discretion of the court and the revocation of permit for the business establishment;
- b) AFP and PNP personnel who are found to have violated pertinent provision of this Article shall pay a fine of Five Thousand Pesos (P5,000.00) or by imprisonment of not less than six (6) months but not more than one (1) year or both, such fine and imprisonment at the discretion of the court; and
- c) Any person found to have violated any provision of this Article shall pay a fine of Five Thousand Pesos (P5,000.00) or by imprisonment of not less than six (6) months but not more than one (1) year or both such fine and imprisonment at the discretion of the court.

Article D. Wholesale Fish Auction Center or “Fish Bagsakan”

Section 21. Regulated Acts. No person, firm or corporation shall engage in the establishment of a wholesale fish auction center or “fish bagsakan” without first securing a permit from the City Mayor and paying the corresponding permit fee imposed under existing tax ordinances.

Section 22. Administrative Provisions. ¹⁷⁰

The location/site of a wholesale fish auction center or “fish bagsakan” must comply with the requirements of the National Building Code (P.D. 1096), the Sanitation Code of the Philippines (P.D. 856) and Ordinance No. 078, s. 2000, otherwise known as the Sanitation Ordinance of Davao City.

The establishment and location design, layout construction and equipment shall be planned with considerable emphasis on hygiene, sanitation and quality control and shall be located in an area away from objectionable odor, smoke, dust, other factories, plants and shrubbery and must preferably be located adjacent to sufficient supply of potable water, adequate power supply during emergencies and accessible to transportation facilities.

¹⁶⁸ Section 11, Ord, No. 040, s. 1999 “Regulating the Establishment, Maintenance and Operation of Bars in Davao City”

¹⁶⁹ Section 13, *Ibid.*

¹⁷⁰ Sections 2 & 3, Ord. No. 0130-01, s. 2001 “Establishment of a Wholesale Fish Auction Center or “Fish Bagsakan”

The building and facilities shall be designed in such a way as to prevent contamination of the product, facilitate its hygienic operation and at the same time provide easy cleaning. The structure and facilities shall be kept always in good repair and properly maintained and shall be of adequate size to permit its hygienic operation.

Section 23. Minimum Requirements and Guidelines.¹⁷¹

A. Floors and drains:

1. The floor shall be hard-surfaced, impervious to spillage, slip resistant and adequately drained;
2. Junctions between floors and bases of columns shall be sealed and coved or rounded for easy cleaning. Continuously wet floors shall slope towards the gutter drains with a pitch of 1:100 to avoid pooling of excess water.
3. Gutter drains shall have smooth vertical walls, rounded or coved bottoms, with slope of at least 1:100. It shall be covered with non-corrosive materials.

B. Roof - The number of web members of trusses shall be minimal without sacrificing strength to facilitate cleaning.

C. Lighting:

1. The level of lighting at the market hall shall be 220 lux which is equivalent to 20 foot candle watts.
2. Lighting shall be of suitable color so as not to significantly alter the natural characteristic and color of the fish. Colored lights shall be prohibited in all stalls.
3. Adequate overhead illumination within the building shall be provided, including the four (4) corners of the market lot and alleys, provided that no electric bulb lower than 25 watts and fluorescent lamp lower than 20 watts, shall be used.
4. Lights shall be properly protected from breakage.

D. Water Lines.

- a) Water lines for potable and non-potable water shall be installed separately.
- b) Drainage and sanitary sewer shall not be cross-connected.
- c) Adequate potable water supply shall be provided round the clock for drinking purposes and for flushing market floors and comfort facilities.

E. Sanitary Facilities:

¹⁷¹ Section 4, *Ibid.*

1. Toilet bowls with adequate water supply shall be provided separately for male and female workers equipped with receptacles for disposal of waste materials in accordance with the following ratio:

No. of persons	Minimum No. of Toilet Bowls
1-9	1
10-24	2
25-49	3
50-74	4
75-100	5
Additional 50	1 Bowl additional

2. Hand washing facilities shall be provided in all toilets and/or in other places that are accessible to the handlers. Sufficient detergents, brushes, hand sanitizing agents and hand drying facilities shall be provided.
3. A functional storm drainage system must be provided throughout the Fish Bagsakan premises. For garbage disposal, separate containers must be provided each for the dry and wet waste materials.
4. Sweepers/janitors must be available before, during and after the scheduled time for fish disposal.
4. Applicable provisions of the Health and Sanitation Code of the Philippines and the Health and Sanitation Ordinance of Davao City shall be strictly observed and complied with.

Section 24. Fish Display.¹⁷²

1. Fish shall not be carelessly displayed on the floor. It shall be displayed in an appropriate container and in fish pallets;
2. Floor materials shall be carried up to 15 cm. of the walls and joints shall be rounded to a radius of not less than 75 mm. The juncture where the floor meets support columns shall be coved for ease in cleaning.
3. Gutter drains which shall be used continuously for wet operations shall have smooth vertical walls, rounded bottoms with a minimum of 1:100. The same shall be covered with open metal strong enough to withstand lifts.
4. Floors shall be sloped to drains or gutters at a slope of 1:50. Gutter drains shall be located at intervals so that the distance between high points to gutter shall average three meters. Drains shall be of sufficient capacity to effectively handle the water generated in the process. Each drainage inlet shall be provided with a dead seal trap, suitably located and easy to clean to control odors and emission. Fixtures shall be vented outward to facilitate drainage.

¹⁷² Section 5, Ord. No. 0130-01, s. 2001 "Establishment of a Wholesale Fish Auction Center or Fish Bagsakan"

5. Drainage lines carrying waste effluent, except for open drains, shall run to a catch basin for removal of solid wastes. This basin shall be located outside or further away from the working areas and shall be constructed of waterproof concrete materials.

Section 25. *Fish Disposal*. **There shall be no limit as to the time/hours for fish disposal.**

Section 26. *Additional Guidelines and Regulations*. ¹⁷³

1. Public health, public morals, public safety, consumer protection and the general welfare of the people shall be observed.
2. The Fish Bagsakan operator must secure the proper business permit/licenses and pay the required taxes and fees prior to actual operation. The fish bagsakan operator must require each space/stall holder to secure his/her business permit/ license and pay the required taxes and fees.
3. The Fish Bagsakan Operator must secure the necessary building permit and pay the appropriate fees thereof. The Fish Bagsakan site must have an adequate area for Parking and expansion which must be contiguous to the Fish Bagsakan site.
4. The Fish Bagsakan operator must provide a public weighing scale that is accurate and properly calibrated by the City Treasurer's Office. The Fish Bagsakan premises shall be opened for government inspection by the City Mayor or his duly authorized representatives at any reasonable hour of the day or as may be required by circumstances.

A collector must be assigned in the Fish Bagsakan by the City Treasurer's Office to collect appropriate market fees thereat. The Fish Bagsakan Operator shall maintain complete records of fish entries in the Fish Bagsakan as required by the City Treasurer's Office for taxation and report purposes, which form shall be provided by the said office.

5. No part of the building shall be used as residence of any vendor/lessee except only as an office of the operator to maintain sanitation and secure peace and order of the premises. Security guards must be provided in the premises on a round-the-clock basis. The operator must see to it that the sidewalk and passage ways/alleys shall not be utilized for vending purposes so as not to obstruct pedestrian and vehicular traffic.

Section 27. *Penalty*. Any violation of the provisions of this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than six (6) months or both, such fine and imprisonment at the discretion of the court, in addition to the revocation of the violator's permit or license and the closure of his/her business. ¹⁷⁴

¹⁷³ Section 7, *Ibid*.

¹⁷⁴ Section 8, Ord. No. 0130-01, s. 2001 "Establishment of a Wholesale Fish Auction Center or Fish Bagsakan"

Article E. Small Scale Fishing and Commercial Fishing

Section 28. Regulated Act. No person, firm or corporation shall engage in the operation of small scale fishing and commercial fishing within the territorial jurisdiction of Davao City waters without first securing a permit from the City Mayor and paying the corresponding permit fee imposed under existing tax ordinances.

Section 29. Definition of Terms.¹⁷⁵

“Commercial trawl” is a fishing gear operated by a fishing boat of more than three gross tons consisting of nets made in the form of conical bag with the mouth kept open by various devices (as other boards, doors, wooden or iron beam, two boats and extra long ropes) and the entire gear towed, trailed or trawled to capture fish or fishery/aquatic products.

“Commercial purse seine” is a fishing gear operated by a fishing boat of more than three gross tons consisting of a net with the bunt or landing piece located in any side of the net, and the whole net provided with a pursing device which consists of a series of purse rings attached to the footrope by straps or ring bridles with a pursing line roved through the ring that closes the bottom of the seine when pulled, thereby forming a trap or purse, the net of which is hauled by means of a power block.

“Ring net” has a regular pursing device and are used in small and medium fishing boats.

Section 30. Rules and Regulations. The operation of commercial trawl and purse seine is prohibited in marine water areas within a distance of seven (7) kilometers from the shoreline; Provided, further, that in coastal areas seven (7) fathoms deep or more which are not reached by sustenance fishermen, the operation of commercial trawl and purse seine, may be allowed by the Secretary of Agriculture and Food upon the recommendation of the Director of Fisheries and Aquatic Resources, only after such areas have been defined and designated as such by the Bureau of Fisheries and Aquatic Resources on a yearly or seasonal basis.

Under no circumstances that fishing boats regardless of sizes or tonnages be allowed to operate as a public utility or to carry commercial cargoes and/or passengers other than those for its exclusive use or consumption and crew, except on emergency cases or as authorized by the Maritime Industry Authority (MARINA) or other lawful orders from other government agencies.

Section 31. Law Enforcement Agencies. The following persons or agencies are authorized to enforce the provisions of this Article, to wit:

- a) The Philippine National Police (PNP)
- b) The Philippine Coast Guard (PCG)
- c) The Deputy Fish Warden
- d) The City Agriculturist 's Office
- e) Barangay Officials whose barangays are situated along the shorelines

¹⁷⁵ Section 1, Ord. No. 1650, s. 1994 “Regulating the Operation of Small Scale Fishing and Commercial Fishing within the territorial jurisdiction of Davao City waters”

Section 32. *Fishery Rental or Fees.* The City of Davao in the exercise of its authority to grant exclusive fishery rights and licenses to individual fishing gears in the city waters, may levy or fix rentals or fees thereof in accordance with the provisions of this section, in conjunction with other operative laws and regulations in City fisheries:
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1. Grant of fishery rights and licensing of fishing vessels, pursuant to the authority of the city. The Sangguniang Panlungsod may:
 - a. Grant the exclusive fishery rights to erect fish corrals, operate fishponds or oyster beds, or take or catch bangus fry or kawag-kawag or fry of other species for propagation, by public auction, within definite portion or area of the city waters, for which purpose, the Sangguniang Panlungsod may divide the city waters into fishing zones with fixed areas and boundaries and minimum rental for each zone.
 - b. Grant the privilege of taking fish from city waters by nets, traps or other fishing gears to persons qualified under the provisions of this Article and other existing laws on municipal fisheries.
 - c. Issue license for the operation of fishing vessels of three (3) tons or less, for which purpose the council is empowered to promulgate subject to the approval of the Secretary of Agriculture and Natural Resources and rules and regulations regarding the issuance of such license to qualified applicants under existing law.
 - d. Deep-sea fishermen duly licensed under Section 18, of Republic Act "4093", as amended, may be allowed to fish in City Waters, if they secure the necessary license therefor from the City authorities concerned and pay the corresponding taxes or fees thereof.
2. Issuance of individual license, in case no bidders opt to lease fishing zones. If after two (2) notices for the grant of exclusive fishery rights by public auction, no interested bidders opt to lease any fishing zone within the city waters of Davao City, the Sangguniang Panlungsod is authorized to grant the privileges of erecting fish corrals, operating fishponds or oyster culture beds, or catching bangus fry or kawag-kawag within a definite area or portion of the city waters to individuals upon payment of license fees therefore at the rate not exceeding those fixed hereunder:

<i>a) Fish corrals erected in the sea:</i>	Annual Fee
Less than 3 meters deep	P 45.00
3 meters or more but less than 5 meters deep	90.00
5 meters or more but less than 8 meters deep	300.00

¹⁷⁶ Section 5, Ord. No. 1650, s. 1994 "Regulating the Operation of Small Scale Fishing and Commercial Fishing within the territorial jurisdiction of Davao City waters"

8 meters or more but less than 10 meters deep	540.00
10 meters or more but less than 15 meters deep	750.00
15 meters or more	1,200.00

b) *Operation of fishponds, fishpens or oyster culture beds or any other marine or similar culture, per hectare* 15.00

c) *Catching bangus fry or “Kawag-kawag” or other species:*

Less than 1,000 sq. meters	1,000.00
1,000 sq. m. or more but less than 2,000 sq. m.	1,500.00
2,000 sq. m. or more but less than 4,000 sq. m.	2,000.00
4,000 sq. m. or more but less than 6,000 sq. m.	3,000.00
6,000 sq. m. or more but less than 8,000 sq. m.	4,500.00
8,000 sq. m. or more	6,000.00

3. Deep-sea fishing within the territorial waters of Davao City and/or having its base of operation in any point of Davao City.

Any person, company, partnership, corporation, association or enterprises engaged in deep-sea fishing and employing any of the fishing methods or techniques employing two (2) or more persons in the operation of the same, shall pay the following annual fee which may be paid quarterly, viz:

- a. Any “Basnig,” “Payao,” “Manchuria”, Hook and line, Cobcob, Simbada, Surambao, Sahid, Cabyao, Patoloy, Tuna Fishing, in deep sea employing two (2) or more but not exceeding four (4) persons, operating within the territorial waters of Davao City, or having its bases of operation in any point of Davao City P100.00 p.a.
- b. Deep sea fishing mentioned under (a) hereof employing more than four (4) persons but not exceeding eight (8) persons P250.00 p.a.

- c. Deep sea fishing mentioned under
 - (a) hereof, employing more than eight (8) but not exceeding twelve (12) persons P350.00 p.a.
- d. Deep sea fishing mentioned under
 - (a) employing more than 12 persons . . P500.00 p.a.

Section 33. *Penalty.* **Any violation of the provisions of this Article shall be punished by a fine of not more than Five Thousand Pesos (₱ 5,000.00) or an imprisonment of three (3) months or both at the discretion of the court; provided, further, that in case of a corporation, company, partnership, association or enterprise, the president or general manager shall be held liable.** ¹⁷⁷

Article F. Sale of Liquefied Petroleum Gas (LPG)

Section 34. *Regulated Act.* No person, firm or corporation shall engage in the sale of Liquefied Petroleum Gas (LPG) without first securing a permit from the City Mayor and paying the corresponding permit fee under existing tax ordinances of the city.

Section 35. *Rules and Regulations.* All business establishments engaged in the selling of Liquefied Petroleum Gas (LPG) must comply with the following requirements: ¹⁷⁸

- a) All sellers and dealers of Liquefied Petroleum Gas (LPG) in Davao City which are contained in cylinders weighing 5 lbs., 11 kilograms, 22 kilograms, 45 kilograms, 50 kilograms and any other weight, are required to indicate in the cylinder the weight of the Liquefied Petroleum Gas (LPG) contained therein and the weight of the cylinder itself.
- b) All sellers and dealers of Liquefied Petroleum Gas (LPG) in Davao City are required to have a weighing scale in their places of business duly certified by the Bureau of Standards, Department of Trade and Industry and duly inspected and scaled twice a year by the City Treasurer of the City before they can be issued any license or business permit to do business in Davao City.
- c) Any Liquefied Petroleum Gas (LPG) sold in Davao City by sellers and dealers which is contained in a cylinder must be weighed in the presence of customers before any sale is made.

Section 36. *Penalty.* Any person, firm or corporation violating any provisions of this Article shall be punished by a fine of not more than Two Hundred Pesos (P200.00) or an imprisonment of not more than one (1) month, or both at the discretion of the court. A conviction shall be a ground for the cancellation of the license and business permit to sell LPG in Davao City. In case of partnership or corporation found

¹⁷⁷ Section 6, Ord. No. 1650, s. 1994 “Regulating the Operation of Small Scale Fishing and Commercial Fishing within the territorial jurisdiction of Davao City waters”

¹⁷⁸ Sections 1, 2 & 3, Ord. No. 166, s.1981”Regulating the Sale of Liquefied Petroleum Gas (LPG) in Davao City”

to have violated any provision of this Article, the manager of said company or corporation shall be criminally liable. ¹⁷⁹

**Article G. Regulation on Recruiters and/or Recruitment Agencies
not based in Davao City**

Section 37. Regulated Act. No person, firm or corporation not based in the City of Davao, shall engage in the business as recruiters and/or recruitment agencies without first securing a special permit from the City Mayor and paying the corresponding permit fee imposed under existing tax ordinances.

Section 38. Definition of Terms. ¹⁸⁰

“Authority to Recruit” refers to the document issued by the National or Regional Offices of the Department of Labor and Employment (DOLE) authorizing a person or entity to conduct recruitment activities in the locality, for employment.

“License” refers to the certificate issued by the DOLE or the Philippine Overseas Employment Agency (POEA) authorizing a person, partnership, corporation or entity to operate a Private Employment Agency (PEA) in the case of overseas, or Private Recruitment and Placement Agency (PRPA), in the case of local employment.

“Licensee” refers to any person or entity duly licensed and authorized by the DOLE, POEA or the Local Government Unit (LGU) to operate a PEA or PRPA.

“No Objection Certificate (NOC)” refers to a certificate issued by the local Public Employment Service Office (PESO) Manager when recruitment is conducted outside the PESO premises, and activities shall be closely supervised by the PESO Manager.

“Recruitment and Placement” refers to any act of canvassing, enlisting, contracting, transporting, utilizing, hiring or procuring workers and includes referrals, contract services, promising or advertising for overseas or local employment, including seminars and job fairs, whether for profit or not; furthermore, any person or entity which in any manner offers or promises employment for a fee, to two or more persons shall be deemed engaged in recruitment and placement.

“Recruitment Permit Fee” refers to the amount charged by the Local Government Unit (LGU) to persons or entities for recruitment activities.

“Special Mayor’s Permit” refers to the document issued by the City Mayor authorizing a licensed person or entity to conduct recruitment in the locality, either for overseas or local employment.

“Special Recruitment Authority (SRA)” refers to the document issued by the National or Regional Office of POEA authorizing a person or entity to conduct recruitment activities for overseas employment.

Section 39. Rules and Regulations. All recruiters and/or recruitment agencies who are not based in the City of Davao are required to secure a Special Mayor’s Permit to conduct recruitment activities within the territorial jurisdiction of the

¹⁷⁹ Section 4, *Ibid.*

¹⁸⁰ Section 2, Ord. No.088-05, s. 2005 “Requiring Recruiters and/or Recruitment Agencies not based in Davao City to secure a Special Mayor’s Permit”

City and shall pay to the City Treasurer upon application before any business or undertaking can be lawfully begun or pursued, the following permit fees: ¹⁸¹

- a. Overseas Recruitment – One Thousand Pesos (P1,000.00) per schedule regardless of the number of days covered by the Special Recruitment Authority at a given period;
- b. Local Recruitment - One Thousand Two Hundred Pesos (P1,200.00) annually, regardless of the number of recruits placed.

Section 40. Additional Requirements. ¹⁸²

1. A licensee or holder of Authority to Recruit or Special Recruitment Authority who shall secure a Special Mayor's Permit shall submit the following requirements:

- a) Valid License Certificate or any of the following:
 - a.1) Special Recruitment Authority, for overseas;
 - a.2) Authority to Operate Branch Office, for local;
 - a.3) License to Operate as PRPA, for local placement;
 - a.4) Authority to Recruit, for local placement.
- b) Job Order Balances Report, duly authenticated by POEA, in case of overseas jobs;
- c) Official Receipt for payment of the Recruitment Permit Fee;
- d) No Objection Certificate (NOC) from the Public Employment Service Office (PESO)
- e) Certificate of Good Standing from DOLE or POEA.

2. The Special Mayor's Permit shall be conspicuously displayed at all times in the place of business during the conduct of recruitment activities. The non-posting of the permit during the conduct of recruitment activities is hereby penalized in the amount of One Hundred Pesos (P100.00) per day until such time that the same is properly displayed.

Section 41. Rules on Recruitment. All recruitment activities are subject to the rules and regulations under Republic Act No. 8042, otherwise known as the "Migrant Workers and Overseas Filipinos Act of 1995", and Article No. 25 provided under the Labor Code of the Philippines. ¹⁸³

Section 42. Penalty. Any violation of the provisions of this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) and/or imprisonment of not more than one (1) month at the discretion of the Court. ¹⁸⁴

¹⁸¹ Section 5, Ord. No. 088-05, s. 2005, "Requiring Recruiters and/or Recruitment Agencies not based in Davao City to secure a Special Mayor's Permit"

¹⁸² Section 4, *Ibid.*

¹⁸³ R.A. 8042, otherwise known as "Migrant Workers and Overseas Filipino Workers' Act of 1995"

¹⁸⁴ Section 8, Ord. No. 088-05, s. 2005 "Requiring all recruiters and/or recruitment agencies not based in Davao City to secure a Special Mayor's Permit"

**Article H. Purchase, Sale, Trade-in, Pawning, Repair, Servicing and
Maintenance of brand-new, used, pre-owned and reconditioned
Mobile Phone Units in Davao City**

Section 43. Regulated Acts. No person, firm or corporation shall engage in the business of purchasing, selling, trading-in, pawning, repairing, servicing and maintenance of brand-new, used, pre-owned and reconditioned mobile phone units in Davao City without first securing a permit from the City Mayor and paying the corresponding permit fee imposed under existing tax ordinances.

Section 44. Definition of Terms. ¹⁸⁵

“Brand-New Mobile Phone” refers to unused mobile phones directly coming from manufacturers such as Nokia, Samsung, Sony Ericsson, Motorola, Siemens, Alcatel and others which are distributed or sold by dealers to mobile phone retailers with complete gadgets and accessories contained in sealed boxes with International Mobile Equipment Identity (IMEI) seal shown.

“Dealers” refer to the large multi-national companies such as Globe, Smart, Sun Cellular, Touch Mobile and other telecommunication companies that offer specialized and varied services in mobile communications which include importers or suppliers, distributors, dealers, retailers and sellers.

“Illegal or criminal means” refer to obtaining mobile phone units through snatching, theft or thievery or other notorious means and which are covered under the Anti-Fencing Law.

“Mobile Phone Service Center” refers to a person or entity with the required license and business permit engaged not only in the repair, servicing or maintenance of mobile phone units, parts and accessories but also in the purchase and selling and/or in the reselling and trading-in of mobile phone units.

“Phone Accessories” refer to the gadgets or such similar instruments accompanying mobile phone units which include, but not limited to, battery chargers, headphones, computer jack and others.

“Proof of Ownership” the means by which owners of mobile phone units establish their ownership of the unit, usually through documentary evidence.

“Reconditioned Mobile Phones” are mobile phone units which are imitations of branded ones.

“Retailers” refer to business establishments in the City with the required license and business permit that sell brand-new, used or pre-owned and reconditioned mobile phone units including parts and accessories which are usually accredited outlets of large dealers of mobile phones.

“Cell Phone Repair Shops” are business establishments which may include stalls, makeshift tables or residences that cater to the servicing, repair and

¹⁸⁵ Section 3, Ord. No. 0102-05, s. 2005 “Regulating the Purchase, Sale, Trade-in, Pawning, Repair, Servicing and maintenance of brand-new, used, pre-owned & reconditioned mobile phone units in Davao City”

maintenance of mobile phone units which may or may not have the required licenses and permits to operate.

“Used/Pre-Owned Mobile Phone” a mobile phone purchased and used by an original owner for a period of time, which is commonly labeled as “second hand mobile phone”.

“Trade-In” refers to the process of upgrading an individual’s mobile phone unit through an exchange of the used unit with a brand new one with the buyer paying only the difference in the price between the used and the new mobile phone, or an exchange of a used unit with another used unit of higher function or a higher model.

Section 45. Guidelines in the Purchase and Sale, Trade-in, Pawning, Repair, Servicing and Maintenance of brand-new, used, pre-owned and reconditioned mobile phone units. ¹⁸⁶

1. All business establishments catering to the sale of brand-new mobile phone units, purchase and sale, trade-in of used, pre-owned or reconditioned mobile phone units, and in the repair, servicing and maintenance of all types of mobile phone units are required to secure first, a license from the National Telecommunications Commission (NTC) and second, business permit from the City’s Business Bureau.

2. The individual seller/pawnee of the used or pre-owned mobile phone is required to show proof of ownership to the mobile phone center or pawn shop by presenting any of the following requirements mentioned for verification purposes, to wit:

2.1 Two (2) valid identification cards;

2.2 The International Mobile Equipment Identity (IMEI) of the mobile phone unit and any of the following:

a. official receipt of original purchase of the mobile unit; in the event of loss, owner must present certificate of ownership from the mobile phone company;

b. battery charger and other accessories of the mobile phone, including the phone box; accessories may depend on the brand and make of the mobile phone.

2.3 The mobile phone center or operator/personnel of the pawn shop may require the seller/pawnee to give the security code and/or the serial number of the mobile phone unit as additional proof of ownership.

3)The owner, operator or employees of mobile phone centers and/or pawn shops have the right to either buy, accept or reject the used or pre-owned mobile phone on the following conditions:

3.1 Proof of ownership has been satisfactorily or unsatisfactorily presented.

3.2 Phone accessories are complete or incomplete.

3.3 Mobile phone is in good or poor functional condition as certified by the mobile phone center’s technician or accredited technician.

¹⁸⁶ Section 4, *Ibid.*

4. The owner, operator or employees of the mobile phone centers and/or pawn shops are required to get the complete name, address and telephone number of the individual selling or pawning the used or pre-owned phone.

5. All purchased or pawned, used or pre-owned mobile phones must be reported by the mobile phone centers and/or pawn shops to the National Telecommunications Commission (NTC) and the Davao City Police Central Office. The list shall include the following information: name of owner, original date of purchase, name of company where the unit was bought, the serial number or International Mobile Equipment Identity (IMEI) within three (3) days from its purchase or pawning.

6. When selling or auctioning used mobile phones, mobile phone centers and/or pawn shops are required to present to prospective buyers, upon their request, proof of ownership of the original owner of the mobile phone unit on sale or being auctioned.

7. These guidelines do not cover specific business transactions covering the price of the used or pre-owned mobile phone unit, the period of guarantee and cost of maintenance or repair of the purchased unit.

Section 46. Prohibited Acts. The following are the prohibited acts under this Article: ¹⁸⁷

1. It shall be unlawful for any individual or business establishment, particularly distributors, dealers, suppliers and retailers of mobile phone units and mobile phone service centers to engage in the sale of brand-new phones, purchase and sale, repair and maintenance of used, pre-owned and reconditioned mobile phones without the required license and other provisions prescribed and mandated by NTC Memorandum Circulars 07-08-2004 and 08-08-2004, including an electronics engineer or accredited technician to service the mobile phone unit; and a business permit from the Mayor's Office;

2. It shall be unlawful for any individual and business establishments particularly suppliers, dealers and retailers of mobile phones and pawn shops to sell, trade-in, pawn and/or purchase used or pre-owned mobile phone unit(s) obtained or possessed through illegal or criminal means as also mandated under the Anti-Fencing Law;

3. It shall be unlawful for any individual, mobile phone centers and other business establishments catering to the servicing, repair and maintenance of mobile phones to buy and re-sell such illegally obtained units of mobile phones to other individuals and/or business establishments;

4. It shall be unlawful for any individual, pawn shops and other similar business establishments to accept used, pre-owned or reconditioned mobile phone unit(s) obtained or possessed through illegal or criminal means for pawning purposes, and to auction the same to the public;

¹⁸⁷ Section 5, Ord. No. 0102-05, known as "Ordinance Regulating the Purchase, Sale, Trade-in, Pawning, Repair & Servicing of brand-new, used, pre-owned and reconditioned mobile phone units in Davao City"

5. It shall be unlawful for any individual, dealers, retailers and service centers to sell brand new mobile phone units with defective parts; to replace or substitute original accessories with imitation, used, fake or substandard ones; and to open, tamper or break the phone box and its accompanying seal;

6. It shall be unlawful for any individual, dealer, retailer and owner of mobile phone service center to sell reconditioned mobile phone units passed off as brand new or used; therefore, for the protection and information of the buying public, all phone units being sold by distributors, dealers, retailers and service center owners shall be properly and correspondingly labeled as brand new, used (second hand) and reconditioned;

7. It shall be unlawful for any individual, dealer, retailer or service center owner of mobile hand phones to tamper, alter or modify the International Mobile Equipment Identity (IMEI) and the serial number of the mobile phone unit, including the opening or unlocking of blocked post-paid SIM packs.

Section 47. *Penalty.* Any violation of the provisions of this Article shall be punished by a fine of Five Thousand Pesos (P5,000.00) or imprisonment of six (6) months to one (1) year with revocation of business permit or both, at the discretion of the court. ¹⁸⁸

Article I. Banning Aerial Spraying as an Agricultural Practice in all Agricultural Activities of all Agricultural Entities in Davao City

Section 48. *Regulated Act.* It shall be the policy of the City Government of Davao to eliminate the method of “aerial spraying” as an agricultural practice in all agricultural activities of all agricultural entities within the territorial jurisdiction of the city.

Section 49. *Definition of Terms.* ¹⁸⁹

“Aerial Spraying” refers to the application of substances through the use of aircraft of any form which dispenses the substances in the air.

“Agricultural Practices” refer to the practices conducted by agricultural entities in relation to their agricultural activities.

“Agricultural Activities” refer to activities that include, but not limited to, land preparation, seeding, planting, cultivation, harvesting and bagging.

“Agricultural Entities” refer to persons, natural or juridical, involved in agricultural activities.

“Buffer Zone” is an identified 30-meter zone within and around the boundaries of agricultural farms/plantations that need special monitoring to avoid or minimize harm to the environment and inhabitants pursuant to policies and guidelines set forth in this Article and other government regulations. It is an area of land that must lie within the

¹⁸⁸ Section 6, *Ibid.*

¹⁸⁹ Section 3, Ord. No. 0309-07, s. 2007 “Banning Aerial Spraying as an agricultural practice in all agricultural activities by all agricultural entities in Davao City”

property which does not include public lands, public thoroughfares or adjacent private properties. It must be planted with diversified trees that grow taller than what are usually planted and grown in the plantation to protect those within the adjacent fields, neighboring farms, residential area, schools and workplaces.

Section 50. Prohibited Act. No person, firm or corporation shall engage in the method of “aerial spraying” as an agricultural practice in all its agricultural activities within the territorial jurisdiction of Davao City. ¹⁹⁰

Section 51. Ban on Aerial Spraying. A ban on “aerial spraying” shall be strictly enforced within the territorial jurisdiction of Davao City three (3) months after the effectivity of the Ordinance. ¹⁹¹

Section 52. Buffer Zone. Consistent with national legislation and government regulations, all agricultural entities must provide for a thirty (30) meter buffer zone within the boundaries of their agricultural farms/plantations. This buffer zone must be properly identified through Global Positioning System (GPS) survey. A survey plan showing the metes and bounds of each agricultural farm/plantation must be submitted to the City Mayor’s Office, with the buffer zone clearly identified therein. ¹⁹²

Section 53. Penalty. Any violation of the provisions of this Article shall be punished as follows: ¹⁹³

- First Offense: A fine of P5,000.00 and imprisonment of not less than one (1) month but not more than three (3) months
- Second Offense: A fine of P5,000.00 and imprisonment of not less than three (3) months but not more than six (6) months and suspension of City-issued permits and licenses for one (1) year
- Third Offense: A fine of P5,000.00 and imprisonment of not less than six (6) months but not more than one (1) year and perpetual cancellation of City-issued permits and licenses;

Provided, that in case the violation has been committed by a juridical person, the person in charge of the management thereof shall be held liable.

Article J. Franchise on the Operation of Motorized Tricycles-for-Hire

Section 54. Regulated Act. No person, natural or juridical, shall operate any motorized tricycle for-hire in Davao City without first securing a “franchise” therefor from the Sangguniang Panlungsod and paying the corresponding fee imposed under existing city ordinances.

Section 55. Definition of Terms. As used in this Article, the term:

¹⁹⁰ Section 2, *Ibid.*

¹⁹¹ Section 5, *Ibid.*

¹⁹² Section 6, *Ibid.*

¹⁹³ Section 7, Ord. No. 0309-07 “Banning Aerial Spraying as an Agricultural Practice in all agricultural activities in Davao City”.

Franchise – refers to a special privilege conferred by the City Government to an individual or corporation which does not belong to the citizens by common right. It is in the nature of a private contract between the city government and an individual or corporation which cannot be amended by implication.

Motorized Tricycle – is a kind of a transport vehicle composed of a motorcycle fitted with a single-wheel side car or a motorcycle with a two-wheel cab operated to render transport service to the general public for a fee.

Motorized Tricycle Operator’s Permit (MTO) – is a document granting franchise or license to a person, natural or juridical, allowing such person to operate motorized tricycle for-hire over specified zones.

Zone – is a contiguous land area or block, say a subdivision or a barangay, where tricycle for hire may operate without a fixed origin or destination.

Section 56. Creation of the Davao City Tricycle Franchising and Regulatory Board (DCTFRB). To effectively exercise and perform the devolved powers and functions on the administration and control of the operation of motorized tricycle-for-hire, there is hereby created a City Tricycle Franchising and Regulatory Board to be referred to as the MTH Board.¹⁹⁴

a) The MTH Board shall be composed of the following:

City Mayor	- Chairperson
City Administrator	- Vice Chairperson
City Legal Officer or Hearing Officer	
Necessary number of support staff	

b) An Advisory Committee shall be created to be composed of the following:

- o IDTF-DC (NGO)
- o Student representative
- o Transmission Davao (NGO)
- o Riding Public (Representative from the Media) whose members shall be appointed by the City Mayor upon recommendation of the concerned group

c) No honorarium shall be given to the Advisory Committee.

Section 57. Powers, Duties and Functions of the Davao City Tricycle Franchising and Regulatory Board. The Davao City Tricycle Franchising and Regulatory Board (DCTFRB) shall perform the following powers, duties and functions:¹⁹⁵

- a) Accept and process applications for tricycle franchising;
- b) Issue or grant the “Motorized Tricycle Operators Permit (MTO) to qualified applicants, subject to the provisions of existing ordinances, rules and regulations on that matter.

¹⁹⁴ Sections 4 & 5, Ord. No. 1692, s. 1994 “Creating the City Franchising & Regulatory Board, prescribing its functions & procedures in franchising of Motorized Tricycles-for-Hire”

¹⁹⁵ Section 6, *Ibid.*

- c) Recommend to the Sanggunian the amount of fares or adjusted fare increase, periodically, to be imposed in a particular zone or fixed route;
- d) Recommend to the Sanggunian other reasonable fees and related charges in the regulation of tricycle-for-hire, after conducting a public hearing for the purpose;
- e) Promulgate rules and regulations for the proper enforcement of this Article which shall continue to be in full force and effect until revoked or modified by the Sanggunian;
- f) Exercise administrative supervision and control over the MTH Franchising Division and MTH Regulatory Division.
- g) Perform such other duties and functions as may hereafter be authorized by the Sanggunian.

Section 58. Quorum. Majority of the members of the Davao City Tricycle Franchising and Regulatory Board shall constitute a “quorum” to transact business.

Section 59. Internal Rules of Procedures. The Davao City Tricycle Franchising and Regulatory Board shall formulate and adopt its own internal rules of procedure including its regular meetings and necessary standing committees.

Section 60. Rules and Regulations.¹⁹⁶

- a) Only Filipino citizens and partnership or corporation with sixty percent (60%) Filipino equity shall be granted the MTOP.
- b) No MTOP shall be granted unless the applicant is in possession of units with valid registration papers from the Land Transportation Office (LTO);
- c) The grantee of the MTOP shall carry a common carrier insurance sufficient to answer for any liability it may incur to passengers and third parties in case of accidents;
- d) Operators of tricycles-for-hire shall employ only drivers duly licensed by the Land Transportation Office (LTO);
- e) Operators who intend to stop service completely, or suspend service for more than one (1) month, shall report in writing such termination or suspension to the Sanggunian;
- f) Operators of tricycles-for-hire or its drivers shall not operate on national highways utilized by 4-wheel vehicles greater than four (4) tons and where normal speed exceeds 40 KPH;

¹⁹⁶ Article III, Ord. No. 1692, s. 1994 “Creating the City Franchising & Regulatory Board, prescribing its Functions & procedures in the franchising of Motorized Tricycles-for-Hire”

- g) Until such time that necessary zones are fixed, tricycles-for-hire shall be allowed to operate like a taxi service, i.e., service is rendered upon demand and without a fixed route;
- h) Each tricycle unit granted an MTOP shall be assigned and bear an identification number, aside from its LTO license plate number;
- i) In addition to the Driver's License issued by the LTO, all tricycles-for-hire are hereby required to register and secure an Identification Number from the Office of the Chief, Philippine National Police;
- j) All drivers of tricycles-for-hire are hereby required to wear shoes, polo shirt or T-Shirt with collar and long pants;
- k) Tricycle-for-hire shall have a 5-passenger capacity only, including the driver.
- l) Operators of tricycles-for-hire are hereby required to post in a conspicuous but appropriate part of the tricycle the schedule of fares.
- m) Additional rules and regulations shall be issued by the Davao City Tricycle Franchising and Regulatory Board for the proper enforcement of the Article.

Section 61. Divisions under the MTH Board. The MTH Board shall be composed of two (2) divisions, as follows: ¹⁹⁷

- a. MTH Franchising Division
- b. MTH Regulatory Division

Each division shall be headed by a Division Chief and an Assistant Division Chief who shall assist in the performance of the powers and functions of the division.

Section 62. Support Staff. The MTH Franchising Division and the MTH Regulatory Division shall, respectively be supported by a technical and evaluation staff, a legal staff and an enforcement staff, as the service requires and a common administrative staff.

Section 63. Functions of the MTH Franchising Division. The following are the powers and functions of the MTH Franchising Division:

- a. To hear and decide uncontested MTOP Application;
- b. To issue, amend, revise, drop, cancel and revoke MTOP after due notice and hearings;

¹⁹⁷ Section 7, *Ibid.*

- c. To conduct investigations and hearings of complaints for violations of this Code and other traffic laws, ordinances, rules and regulations issued by the Davao City MTH Franchising Board;
- d. To summon operators/drivers and witnesses to appear in any of the hearings conducted by the MTH Franchising Division;
- e. To coordinate and cooperate with other government agencies with any aspect involving MTH services with the end in view of effecting continuing improvement of such services;
- f. To determine, fix and prescribe summons or traffic citation tickets for citing violations of this Code and traffic ordinances of the City of Davao;
- g. To implement and enforce the rules and regulations requiring MTH operators to equip, install and provide in their units such devices, equipment, facilities as may promote safety, protection, comfort and convenience of the riding public;
- h. To perform other functions and duties as may be provided by law or as may be necessary, proper or incidental to the purposes and objectives of this Code.

Section 64. Functions of the MTH Regulatory Division.

The MTH Regulatory Division shall be tasked to perform the following functions:

- a. Determine, fix, prescribe or periodically adjust fares or rates for the service provided in the particular zone or area after public hearing;
- b. Prescribe and recommend areas or zones of services;
- c. Fix, impose and periodically review and adjust, but not more than once every three (3) years, reasonable fees and other related charges in the regulation of MTH;
- d. Open, re-open or cause the closure of service routes upon petition or at the instance of the office (MTH Regulatory Division) after due notice and public hearing;
- e. Conduct investigation and hearing of complaints for violations of this Code, the rules, regulations, orders and resolutions issued by the MTH Regulatory Division;
- f. Submit to the City Mayor periodic and special reports relative to activities and operation of the MTH Regulatory Division;
- g. Perform all other activities and functions as may be provided by law, or as may be necessary or proper or incidental to the purposes and activities of this Code.

Section 65. Rules of Entry. Only Filipino citizens and partnerships or corporations with Eighty percent (80%) Filipino equity are qualified to be operators of motorized tricycles-for-hire. However, no MTOP shall be granted unless the applicant is

in possession of units with valid registration papers from the Land Transportation Office (LTO).

Section 66. Common Carrier's Insurance. Grantees of MTOP must carry a common carrier's insurance sufficient to answer for any liability it may incur to passenger and third parties in case of accidents.

Section 67. Display of a Photocopy of MTOP. The driver or operator shall always carry with him a photocopy of the MTOP or display a copy thereof inside the vehicle, in front of the driver.

Section 68. Fare Rates. The fares shall be established at a level that will provide the operator a reasonable return of profit but still affordable to the general public. Until such time that the Board has prescribed the fare structure for the zone, the official fare shall be that authorized by the Land Transportation Franchising & Regulatory Board (LTFRB) on motorized tricycle for hire (MTH) in the city.

Section 69. Student Privilege. For students with valid student's identification card, the discount authorized by the LTFRB on public utilities is hereby adopted.

Section 70. Posting of Fare Table. The table of fares should be posted prominently at the tricycle terminal and in conspicuous part of the vehicle, in front of the driver.

Section 71. Prohibition on Operation. Motorized tricycles-for-hire are prohibited to operate on national highways utilized by four-wheel vehicles greater than 4 tons and where normal speed exceeds 40 km per hour. However, the MTH Regulatory Board may provide exceptions, if there is no other alternative route.

Section 72. Zone of Adjoining Jurisdiction. Zones must be within the boundaries of Davao City. However, existing zones transcending the city boundary shall be maintained; provided, that operators serving said zone shall secure the corresponding MTOP.

Section 73. Color for a Zone. A common color for tricycles-for-hire operating in the same zone should be imposed. Each unit shall be assigned and must bear an identification number, aside from its LTO license plate number. The identification number shall be printed at the front, left and right sides of the MTH.

Section 74. Suspension or Stoppage of Service. An operator wishing to stop service completely or to suspend service for more than one month, should report in writing such termination or suspension to the office herein called the City Franchising Division, which office originally granted the MTOP prior thereto. Transfer to another zone may be permitted upon application filed with the City Franchising Division.

Section 75. Life of MTOP. The MTOP shall be valid for three (3) years, renewable for the same period. Transfer to another zone, change of ownership of unit or transfer of MTOP shall be construed as an amendment to an MTOP and shall require appropriate approval of the City Franchising Division.

Section 76. Licensed Driver. The operator shall employ only drivers duly licensed by the Land Transportation Office (LTO) for motorized tricycles-for-hire.

Section 77. Load Limit. No motorized tricycle-for-hire shall be allowed to carry more passengers and/or goods than what is designed for or more than what is authorized in the franchise.

Section 78. Authority to Operate. A motorized tricycle-for-hire shall be allowed to operate like a taxi service i.e. service is rendered upon demand and without a fixed route within a zone; provided, that prior authority therefor shall be secured from the MTH Franchising Division and the Office of the City Mayor and the corresponding taxes, fees and charges paid to the City Treasurer. ¹⁹⁸

Section 79. Route and Route Markings. All motorized tricycles-for-hire shall bear the following route markings:

- a. Route Number – All motorized tricycle-for-hire shall display route number on the front and rear portion of the vehicle. The lettering of the route number shall be in black with white background and not less than three (3) inches in length.
- b. Route Marking – The authorized route line shall be painted on the front and right side of the MTH. The lettering shall be in red with white background and shall not be less than one (1) inch in length.

Section 80. Franchise and Other Fees. The following fees shall be imposed and collected upon the filing of the application or approval thereof, as the case may be, by the City Government of Davao, through the City Treasurer: ¹⁹⁹

- a. Annual Franchise Fee or Supervisory Fee – To be collected from all holders of MTOP upon approval and every three (3) years thereafter, on or before the anniversary date of the MTOP.
- b. Filing Fee - To be collected upon application for an MTOP based on the number of units.
- c. Fare Adjustment Fee for Fare Increase – To accrue upon approval of fare increase and to be collected with the annual franchise fee.
- d. Filing Fee for Amendment of MTOP – To be collected upon application therefor.
- e. Confirmation Fee – To be collected from all applicants to answer for documentation and/or postage expenses.
- f. Filing Fee for Opening or Closure of Service Routes – To be collected upon application therefor.
- g. Certification Fee - For every certification on any document or act of the MTH Board or its division, a certification fee of P10.00 shall be paid to the City Treasurer's Office.
- h. Legal Research Fee – The amount of Ten (P10.00) Pesos to be paid to the City Treasurer's Office shall answer for all legal research work

¹⁹⁸ Section 25, Ord. No. 1692, s. 1994 "Creating the City Franchising & Regulatory Board and prescribing procedures in the franchising of Motorized Tricycles-for-Hire"

¹⁹⁹ Section 27, *Ibid.*

undertaken in connection with any application filed with the MTH Board. Such amount shall accrue to the Special Fund of the MTH Board.

- i. Special Permit Fee – The amount of Fifty (P50.00) Pesos shall be collected from operators who intend to bring their MTH unit outside of route for personal use, upon written order of the City Franchising Division.

Section 81. Requirements and Schedule of Fees. The following are the franchising requirements and schedule of fees: ²⁰⁰

1. Opening of Service Routes -

A. Requirements:

- a) 5 copies - Verified Petition
- b) 3 copies - Proof of Filipino citizenship (any of the following: Birth Certificate or Voter's I.D. or Land Title for natural persons; or SEC Certificate of Registration; Articles of Incorporation; Certificate of Filing of By-Laws, and the By-Laws itself for juridical persons).
- c) 3 copies - Sketch of Zonal location of proposed route with vicinity map
- d) 1 copy - Photo of the entrance from the highway or principal ingress and egress.

B. Schedule of Fees

	Amount of Fees
1. Filing fee	P 500.00
2. Confirmation Fee	20.00
3. Research Fee	10.00

2. Application for new Motorized Tricycle Operator's Permit (MTO) renewal every three (3) years -

A. Requirements:

- a) 5 copies - Verified Application
- b) 3 copies - Proof of Filipino Citizenship (Any of the following: Birth Certificate or Voter's I.D., Land title for Natural Persons; or SEC Certificate, Articles of Incorporation, Certificate of filing of By-Laws and the By-Laws itself for juridical persons);

²⁰⁰ Section 28, Article VI, Ord. No. 1692, s. 1994 "Creating the City Franchising & Regulatory Board and Prescribing procedures in the franchising of Motorized Tricycles-for-Hire"

- c) 3 copies - Certificate of Registration; Official Receipt/s for payment of Registration or Proforma invoice of the LTO;
- d) 3 copies - Sketch Location of garage;
- e) 3 copies - Income Tax Return, together with the Statement of Assets and Liabilities and Bank Deposit or Land Title, if MTH is encumbered;
- f) Copy - Picture of the unit (Front View Only)

B. Schedule of Fees	Amount of Fees
1. Filing Fee for the first five (5) units	P 700.00
2. Annual Franchise Fee for the succeeding units	25.00/unit
3. Confirmation Fee	10.00
4. Legal Research	10.00

3. Application for Extension of Motorized Tricycle Operator’s Permit (MTO) 3 years -

A. Requirements:

- 1. Same requirements as in No. 2 above (numbers 1 to 5);
- 2. 3 copies - Certificate of Public Convenience, MTH Permit or Provisional Authority to operate an MTH Service, Decision or computerized Certificate, whichever are applicable, previously issued by the Land Transportation Franchising and Regulatory Board or the MTO issued by the City, as the case may be;
- 3. 3 copies – Proof of Payment of Quarterly Percentage Taxes for the preceding year;
- 4. 3 copies - Clearance from the Social Security System;
- 5. 3 copies - Clearance from the Department of Labor and Employment;
- 6. 1 copy - Picture of the unit.

B. Schedule of Fees:	Amount of Fees
1. Filing Fee for the first five (5) units	P 700.00
2. For the succeeding units	25.00/unit
3. Confirmation Fee	10.00
4. Legal Research Fee	10.00

4. Petition for Dropping and Substitution -

A. Requirements:

1. 5 copies - Verified Petition
2. 3 copies - Certificate of Public Convenience, MTH Permit or Provisional Authority, Decision, computerized Certificate or MTOP, whichever is applicable;
3. 3 copies - Certificate of Registration and Official Receipt for payment of Registration
4. 3 copies - Receipt of Returned Plate;
5. 3 copies - Official Receipt for payment of Annual Franchise Fee or Supervision Fee;
6. 3 copies - Certificate of Registration and Official Receipt for payment of registration or Proforma Invoice of unit/s in substitution.

B. Schedule of Fees	Amount of Fees
1. Filing Fee	P 150.00
2. Confirmation Fee	10.00
3. In case of substitution:	
1. Copy of picture/ Annual Franchise Fee for One (1) unit	40.00
In excess of units	5.00/unit
Legal Research Fee	10.00

5. Petition to Register Unit in lieu of those Authorized

A. Requirements:

1. 5 copies - Verified Petition
2. 3 copies - CR/OR or Proforma Invoice of the unit/s to be registered
3. 3 copies - CPC, MTH, PA, Decision or Computerized Certificate or MTOP, whichever is applicable
4. 4. 1 copy - Picture of the unit

B. Schedule of Fees	Amount of Fees
1. Filing Fee	P 150.00
2. Confirmation Fee	10.00
3. Annual Franchise Fee per unit	40.00
In excess of unit/s	5.00/unit
4. Legal Research Fee	10.00

6. Petition for Amendment of Line

4. Legal Research Fee 10.00

8. Petition for Approval of Sale and Transfer of CPC, MTH, PA, Decision or Computerized Certificate of MTOP, whichever is applicable, with equipment:

A. Requirements:

1. 5 copies - Joint Verified Petition of Vendor/ Grantee and Vendee/Petitioner;
2. 3 copies - Deed/Bill of Sale and Transfer;
3. 3 copies - CPC, MTH, PA, Decision, Computerized Certificate of MTOP, whichever is applicable;
4. 3 copies - Certificate of Registration or Official Receipt;
5. 3 copies - Proof of payment of Quarterly Percentage Taxes for preceding Year;
6. 3 copies - Department of Labor & Employment (DOLE) Clearance;
7. 3 copies - Proof of payment of Annual Franchise Fee or Supervision Fee
8. 1 copy - Picture of the unit

B. Schedule of Fees	Amount of Fees
1. Filing Fee	P 700.00
2. Confirmation Fee	10.00
3. Annual Franchise Fee in excess of five (5) units	25.00/unit
4. Legal Research Fee	10.00

9. Extension of Time to Register -

A. Requirements:

1. 5 copies - Verified Petition;
2. 3 copies - CPC, MTH, PA, Decision, Computerized Certificate of MTOP whichever is applicable.

B. Schedule of Fees:	Amount of Fees
1. Filing Fee for each month extended	P 150.00
2. Confirmation Fee	10.00

10. Petition for Increase of Fare Rates -

A. Requirements (for individual):

1. 5 copies - Verified Petition
2. 3 copies - CPC, MTH, PA, Decision or Computerized Certificate of MTOP, whichever is applicable;
3. 3 copies - Proof of payment of Quarterly Percentage Taxes for the preceding Years
4. 3 copies - Proof of Payment of Annual Franchise Fee or Supervision Fee;

B. Cooperative/Association:

1. 5 copies - Verified Petition
2. 3 copies - Picture of existing units with Franchise certified by the President or Secretary.

C. Schedule of Fees	Amount of Fees
1. Filing Fee	P 700.00
2. Confirmation Fee	10.00
3. Legal Research Fee	10.00

11. Petition for Closure and Opening of Service Routes -

A. Requirements:

1. 5 copies - Verified Petition;
2. 3 copies - Certified listing of all operators operating within the route proposed for closure, duly notarized, executed by the Secretary of the Association.

B. Schedule of Fees	Amount of Fees
1. Filing Fee	P 700.00
2. Confirmation Fee	10.00
3. Legal Research Fee	10.00

Section 82. Prohibited Acts and Administrative Fines. The following acts are hereby prohibited and its corresponding administrative penalties shall be imposed:
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A. For any of the following offenses:

1. Operating a MTH recklessly or without reasonable caution;
2. Cutting in and out of the traffic lanes;

²⁰¹ Section 29, Ord. No. 1692, s. 1994 "Creating the City Franchising & Regulatory Board and prescribing procedures in the franchising of Motorized Tricycles-for-Hire"

3. Cutting corner or blind curve;
4. Making a “U” turn on the approach or on top of a bridge or elsewhere but not at street intersection;
5. Overtaking or passing on curves, at intersections and approaches of bridges, hills and along places where overtaking is prohibited;
6. Coming out of side streets or driveways without precaution;
7. Racing on roads or streets;
8. Failure to stop on entering a “Thru Stop Street”;
9. Failure to consider proper clearance when overtaking;
10. Failure to observe right hand rule to yield the ‘Right-of-Way” at highway intersection;
11. Driving on the wrong side of the streets;
12. Backing against the flow of traffic;
13. Turning from wrong lane;
14. Improper start from parked position;
15. Driving without lights during the hours prescribed by law;
16. Driving against the flow of traffic;
17. Driving or crossing the safety island not intended for MTH;
18. Disregarding automatic signal devices or lights or any traffic signals, signs of marking;
19. Speeding or fast driving (over 30 km. per hour)
20. Entering a “Do Not Enter” street;
21. Disregarding “No Left Turn” sign;
22. Passing through red light;
23. Allowing passengers in excess of the seating capacity of the front seat;

First offense	P 50.00
Second offense	100.00
Third Offense	P 150.00
Fourth offense	Revocation of Driver’s License for (2) years

B. For any of the following offenses:

1. Obstructing or impeding the free passage of other vehicles;
2. Loading or unloading passengers within a prohibited zone;
3. Soliciting passengers at the street corner;
4. Loading or unloading passengers in the middle of the road;
5. Loading or unloading passengers at intersections;
6. Failure to give right-of-way to police or other emergency vehicle.

First offense	P 50.00
Second offense	100.00
Third offense	150.00

C. For any of the following offenses:

1. For parking a MTH or permit it to stand attended or unattended upon a highway in any of the following:
 - a. Within an intersection;
 - b. On a crosswalk or pedestrian lane;
 - c. Within six (6) meters of the intersection of curb lines;
 - d. Within four (4) meters of the driveway entrance to any fire station;
 - e. Within four (4) meters of a fire hydrant;
 - f. In front of a private driveway;
 - g. On the roadway side of any vehicle stopped or parked at the curb or edge of the highway;
 - h. At any place where official signs have been erected prohibiting parking.
2. Parking on sidewalk, path or alley not intended for parking;
3. Failure to carry registration certificate and official receipt of payment of registration fees for current year.

First offense	P 50.00
Second offense	100.00
Third offense	150.00
Fourth offense	Suspension of operation of vehicle for three (3) months.

D. For any of the following offenses:

1. Driving a MTH without horn or with horns making startling sound;
2. Driving a MTH with open mufflers or making unnecessary noise;

3. Failure to display red flag or red light at the rear end of the load extends beyond the projected length of the vehicles;
4. Driving a MTH emitting excessive smoke;
5. Driving a MTH with metallic tires;
6. Driving a MTH with dirty, illegible or partly hidden number plates;
7. Driving a MTH with improvised front or rear plate;
8. Operating an "S" vehicle without a commercial or trade name and the words "Not for Hire" painted on both sides of the motor vehicle;
9. Driving a MTH without capacity markings plainly marked on both sides of motor vehicle;
10. Allowing passengers to ride on step board or hitch to the vehicle;
11. Driving along the National Highways without a special permit:

First offense	P	50.00
Second offense		100.00
Third offense		150.00

E. For any of the following offenses:

1. Driving a MTH without proper headlight, tail light, stop lights and plate lights;
2. Driving a MTH with broken windshield or without windshield wiper;
3. Driving a MTH with red light forwarded or ahead of motor vehicle;
4. Driving a MTH without adequate or sufficient brakes, safety devices or accessories;
5. Operating unsafe, unsightly or dilapidated motor vehicle;
6. Driving with inappropriate driver's license;
7. Failure to show or surrender driver's license;
8. Operating a MTH loaded with soil, sand, gravel, stones and the like without canvass covering;

First offense	P	50.00
Second offense		100.00
Third offense		150.00

For violation of Nos. 1 to 5, the apprehended MTH, before resuming operations, shall be inspected to verify if the defects have been corrected before releasing the plates, driver's license or other papers confiscated.

For violation of No. 6, the driver shall be required to secure the appropriate driver's license by complying with existing licensing rules and regulations.

F. For any of the following offenses:

- | | |
|---|---|
| 1. Driving with an invalid or delinquent license | P 50.00 fine |
| 2. Driving without carrying one's driver's license | 50.00 fine |
| 3. Driving without first securing a driver's license | 300.00 fine |
| 4. Operating a MTH with delinquent or suspended or invalid registration | 300.00 fine |
| 5. Operating a MTH using a siren | 50.00 fine |
| 6. Driving while under the influence of liquor or narcotics/drugs - fine of not less than | 200.00 but not more than P500.00 fine |
| 7. Hostile or arrogant attitude of a driver towards lawful authority or improper conduct or behavior like bribery and other offenses without prejudice to the prosecution under the Revised Penal Code. | <i>(No fine in the Ordinance)</i> |
| 8. Transferring, lending or otherwise allowing any person to use his driver's license for the purpose of enabling such person to operate a MTH | P50.00 fine or one (1) month suspension of driver's license |
| 9. Engaging, employing or hiring any person to operate a MTH other than a duly licensed professional driver | P50.00 fine |

Section 83. Extension/Renewal of MTOP. Failure to renew a MTOP on the date stated in the franchise or renewal of a delinquent registration, a surcharge of twenty five percent (25%) of the franchise fee shall be imposed, without prejudice to all lawful fees under this Article.

Section 84. Confiscation of Driver's License. In case of violation of any provisions of this Article, the license of the driver of the MTH unit shall be confiscated after a summon or Traffic Citation Ticket (TCT) is issued and the same shall be submitted to the MTH Franchising Division for disposition or appropriate action.

As used in this Article, a Traffic Citation Ticket (TCT) is a summon or citation in writing issued to a person violating any of the provisions of this Code, warning him to answer to the charge against him, at a place and time within fifteen (15) days after his apprehension.

Section 85. Forfeiture of MTH unit. An MTH unit operated in violation of this Article or any traffic ordinance of the City will be impounded and can be released only upon payment of the Administrative Fines; Provided, however, that in the event the vehicle shall remain unclaimed or the administrative fines unsettled for more than ninety (90) days, the impounded vehicle shall be forfeited in favor of the City Government and thereafter shall be sold at public auction.

Section 86. Revocation or Suspension of MTOP/Driver's License. In addition to the penalty heretofore provided, the court may revoke or suspend for a period not to exceed one (1) year, the MTOP or driver's license of the grantee/driver convicted of violation of any section or provision of this Article.

Section 87. Disposition of Fines. All fines/forfeitures collected for violations of any provision of this Article shall be paid to the City, through the City Treasurer and deposited under the Special Fund of the City.

Section 88. Special Permit to Travel Outside Route. Special permit to travel outside route shall be granted to an MTH upon request, stating therein the date, origin, 2nd destination and the purpose of said permit. In no case shall a special permit exceed three (3) days from the issuance thereof.

Section 89. Rules and Regulations. The rules and regulations concerning routes, re-routings, and all details of the operation of MTH and the conditions therefor, not otherwise included in this Article, shall be prescribed by the Davao City MTH Franchising and Regulatory Board and shall form part of this Code.

Section 90. Reservations. Nothing in this Article shall be construed to diminish the authority of the Sanggunian to issue, amend, revise, renew, suspend, or cancel any MTOP and prescribe the appropriate terms and conditions therefor; determine, fix, prescribe or periodically adjust fares or rates for the service provided in a zone or fixed route after public hearing; prescribe and regulate zones of service in coordination with the barangay; fix, impose and collect, and periodically review and adjust but not oftener than once every three (3) years, reasonable fees and other charges in the regulation of tricycle-for-hire; establish and prescribe the conditions and qualities of service to the public.

Article K. Barangay Micro Business Enterprises (BMBEs)

Section 91. Regulated Act. No business entity or enterprise, firm or corporation shall be recognized as a Barangay Micro-Business Enterprise without first registering with the Office of the City Treasurer and paying the corresponding registration fee imposed.

Section 92. Definition of Terms. As used in this Article, the term: ²⁰²

²⁰² Section 3, Ord. No. 0123-03, s. 2003 "Barangay Micro Business Enterprises (BMBEs)

Barangay Micro Business Enterprise (BMBE) – refers to any business entity or enterprise engaged in the production, processing or manufacturing of products or commodities, including agro-processing, trading and services, whose total assets including those arising from loans but exclusive of the land on which the particular business entity’s office plant and equipment are situated, shall not be more than Three Million Pesos (P3,000,000.00);

Start up BMBEs –in operation of not more than one (1) year during the time of application;

Existing BMBEs – in operation for more than one (1) year during the time of application.

Services – shall exclude those rendered by any one , who is duly licensed by the government licensure examination, in connection with the exercise of one’s profession.

Certificate of Authority - refers to the certificate issued granting authority to the registered BMBE to operate and be entitled to the benefits and privileges accorded thereto.

Assets – refer to all kinds of properties, real or personal, owned by the BMBE and used for the conduct of its business as defined by the SMED Council.

Registration – refers to the inclusion of BMBE in the BMBE registry of Davao City.

Financing – refers to all borrowings of the BMBE from all sources after registration.

Section 93. Administrative Provisions. All Barangay Micro Business Enterprises (BMBEs) shall comply with the following administrative provisions: ²⁰³

- a. The Office of the City Treasurer of Davao shall register Barangay Micro Business Enterprises (BMBEs) and issue a Certificate of Authority (CA) upon payment of registration fees as provided for in this Article to enable the BMBEs to avail of the benefits and Incentives under R.A. 9178, otherwise known as the “Barangay Micro Business Enterprises Act of 2002”, provided, that only one Certificate of Authority shall be issued for each BMBE and only by the City Treasurer’s Office of Davao.
- b. The Business Tax and License Chief of the City Treasurer’s Office shall act as the BMBE Registration Officer and shall have the following functions:
 - b.1 Handle the efficient registration and processing of permits/licenses of BMBEs;
 - b.2 Monitor the operation of the BMBEs and make a periodic evaluation of the BMBEs financial status;
- c. The City Treasurer may, however, appoint District Treasurers to assist the BMBE Registration Officer in the latter’s duties and responsibilities, if and when necessary.

²⁰³ Sections 4 & 5, *Ibid.*

Section 94. Qualified Registrants. Any person, natural or juridical, cooperative or association, having the qualifications enumerated in this Section, may apply for registration as BMBE, viz: ²⁰⁴

- j. With an asset size of not more than Three Million (P3,000,000.00) Pesos, exclusive of the land on which the business entity's office, plant and equipment are located;
- k. Engaged in the production, processing or manufacturing of products or commodities, including agro-processing, trading and services;
- l. Its principal place of business is located within the City of Davao.

Section 95. Rules and Regulations. Barangay Micro Business Enterprises (BMBEs) when applying for registration, shall comply with the following rules and regulations: ²⁰⁵

- a. An applicant for BMBE shall go to the City Treasurer's Office of Davao where the business is located;
- b. The applicant shall fill up the BMBE Form 01 (application form) in triplicate to be signed by the owner/manager of the entity applying for registration and shall attach its approved Mayor's Permit and financial statement and, if applicable, either of the following: Business Name Registration (for individual/single proprietorship), Securities and Exchange Commission (SEC) registration, and Articles of Incorporation (for partnership & corporation) and Cooperative Development Authority (CDA) registration (for Cooperatives) and submit them to the BMBE Registration Officer;
- c. The BMBE Registration Officer will evaluate the application, which shall be processed within fifteen (15) working days upon submission of complete documents. Otherwise, the BMBEs shall be deemed registered;
- d. A registered BMBE shall be issued a Certificate of Authority (CA) as proof of registration, which shall be effective for a period of two (2) years, renewable for another period of two (2) years for every renewal.

Section 96. Registration Fees. To defray the administrative costs of registering and monitoring BMBEs, the BMBE Registration Officer shall charge the following fees: ²⁰⁶

Net Assets (based on Financial Statement)	Registration Fee
P100,000 or less	P 50.00
More than P100,000 to 500,000	250.00
More than P500,000 to 1,000,000	750.00
More than P1,000,000 to 3,000,000	1,000.00

The registration fees that will be collected shall go directly to the City's General Fund.

²⁰⁴ Section 6, *Ibid.*

²⁰⁵ Section 7, *Ibid.*

²⁰⁶ Section 8, *Ibid.*

Section 97. Transfer of Ownership. The BMBE shall report to the BMBE Registration Officer any change in the status of its ownership structure, and shall surrender the original copy of the BMBE Certificate of Authority for notation of the transfer.

Section 98. Penalty. Any violation of the provisions of this Article shall be punished by a fine of not more than Five Thousand Pesos P5,000.00 or by imprisonment of not more than one (1) year, or both at the discretion of the Court. ²⁰⁷

Article L. Ordinance to Enhance Consumer Protection & Prevent the spread of Paralytic Shellfish Poisoning or “Red Tide” through the Accreditation of Bonafide Traders/Distributors, providing guidelines for its implementation

Section 99. Regulated Act. All traders/distributors of shellfish products in the City of Davao are hereby required to get accreditation from the City Agriculturist’s Office, City Veterinarian’s Office and the City Health Office certifying as to their qualification and capacity to trade/distribute shellfish free from any contamination from Red Tide. Applicable fees for such accreditation shall conform with the provisions of the Revenue Code of Davao City.

Section 100. Definition of Terms: ²⁰⁸

“Certification Permit” is any document issued by government agencies certifying the harvest and distribution of shellfish products in areas where red tide occurrences are reported, which may be in the form of authority to harvest and distribute or health or toxicity level reports or permits.

“NRTTF/RRTTF” refers to National Red Tide Task Force/Regional Red Tide Task Force, an inter-agency body formed to monitor red tide occurrence for the protection and welfare of consumers of shellfish products. It is vested with the authority to declare a Red Tide ban in any part of the country/region.

“Paralytic Shellfish Poison” or PSP is a term used for a toxin that causes death to humans who have ingested a dino-flagillate called Pyrodinium Cateatum Var Compressum and Gymnodinium Cateatum.

“Red Tide” is a natural phenomenon that refers to the discoloration of sea water due to the abnormal proliferation of dino-flagillate called Pyrodinium Cateatum Var Compressum and Gymnodinium Cateatum.

“Shellfish” includes univalves and bivalves such as mussel (tahong), oyster (talaba), clam (halaan, imbaw), etc.

“Trader/Distributor” refers to individuals or corporations who are engaged in the trading and/or distribution of shellfish to various public markets, supermarkets, restaurants and similar eating places, “talipapa” and similar places of vending, for the purpose of selling the same to consumers.

²⁰⁷ Section 10, *Ibid.*

²⁰⁸ Section 3, Ord. No. 0173-05, “To Enhance Consumer Protection & Prevent the Spread of Paralytic Shellfish Poisoning or Red Tide through the Accreditation of Bonafide Traders and Distributors, providing guidelines for its implementation”

Section 101. Qualification of Traders/Distributors. The following minimum requirements are required for traders/distributors applying for accreditation: ²⁰⁹

- d) Sufficient knowledge and capability in monitoring the Red Tide occurrence from the source of shellfish products prior to distribution;
- e) Must have a valid Certification permit from the point of origin of shellfish products to be presented to inspectors in the City of Davao;
- f) Must have a Food Safety Program using the Hazardous Analysis Critical Control Point (HACCP) system in their place of operation or processing center immediately prior to delivery of shellfish products to vending/retail outlets in the city, featuring among others;
 - c-1. Laboratory facilities where they conduct collection and analysis of sample shellfish from shellfish farms and farmers;
 - c-2. Competent personnel and licensed consultants such as marine biologists and bio-chemists who can check the shellfish products whether they are contaminated or not with Red Tide and whether its PSP toxicity level is safe or tolerable for human consumption;
 - c-3. Sufficient transporting and handling facilities to ensure live and fresh quality shellfish products for the consuming public such as clean vehicles, clean and food grade bags and crates, proper labeling of packages indicating “Place of origin”, “Best before date”, “Date and time of harvest” from shellfish farms or relaying stations, and “Name of trader/distributor” and its accreditation number;
- g) Must have a Mayor’s Business Permit.

Section 102. Responsibilities of Accredited Traders/Distributors. The accredited traders/distributors of shellfish products shall have the following responsibilities: ²¹⁰

- a. Coordinate with the NRTTF/RRTTF on updates of monitoring Red Tide cases and issuances of policies and guidelines on Red Tide bans in any part of the country;
- b. Training of vendors/retailers on the issues regarding Red Tide and preventing the spread of PSP and selling of dead and contaminated shellfish products to the consuming public;
- c. Collect unsold shellfish products from the vendors/retailers to ensure that only fresh shellfish products fit for human consumption are sold to the consuming public;
- d. Proper disposal of unsold, stale or dead shellfish products to ensure that they will not contaminate local sea or brackish water resources;

²⁰⁹ Section 5, *Ibid.*

²¹⁰ Section 6, *Ibid.*

- e. Compliance with relevant provisions of the Consumer Welfare Act and Ordinances on handling and sanitation of food products.

Section 103. Administrative Supervision. The City Mayor, through the City Agriculturist's Office, the City Veterinarian's Office and the City Health Officer, shall exercise administrative supervision to ensure that the provisions of this Article are complied with. These local government agencies shall likewise coordinate closely with the NRTTF/RRTTF in its supervision of the accredited traders/distributors regarding updates on Red Tide bans. ²¹¹

Section 104. Power to Inspect and Confiscate. The City Mayor or his duly authorized representatives such as Fishery Officers, Aquatic Technicians, Senior Aquaculturists, Sanitary Health Officers and Market Supervisors are hereby empowered to conduct periodic inspection or verification and thereafter, confiscate any and all contaminated shellfish products. They shall, likewise, be empowered to confiscate shellfish products from unauthorized and/or non-accredited traders/distributors, vendors/retailers.

Section 105. Penalty. Any violation of the provisions of this Article shall be punished as follows: ²¹²

- a. Accredited traders/distributors whose shellfish products have entered the market but were proven to be contaminated with Red Tide and therefore unfit for human consumption shall suffer the penalty of revocation of accreditation and Mayor's Business Permit and imprisonment of six (6) months and/or fine of not exceeding P5,000.00 or both, upon the discretion of the court;
- b. Any person or entity after having been found engaging in the trading/distribution of shellfish products without properly being accredited or trading/distributing contaminated shellfish products, shall suffer the penalty of imprisonment of six (6) months and/or fine of not exceeding P5,000.00 or both, upon the discretion of the court;
- c. Any person or entity vending/retailing, after having been found selling shellfish products acquired from unauthorized and/or non-accredited traders/distributors or contaminated shellfish products, shall suffer the penalty of imprisonment of one (1) month and/or fine of not exceeding P2,500.00 or both, upon the discretion of the court;
- d. These penalties are without prejudice to any criminal and/or civil action which private offended parties may institute.

Article M. The Davao Branding System Ordinance to Raise the Quality, Standards and Marketability of Davao-Made Products

Section 106. Regulated Act. It shall be the policy of the City Government of Davao to create a branding system for accrediting Davao-made products and their producers, to raise the quality, standards, excellence and marketability of such products which the city and its people can be proud of. Such products that meet the

²¹¹ Section 7, *Ibid.*

²¹² Section 9, *Ibid.*

criteria and standards set forth under this Article shall bear the “seal of excellence” through a registered logo, design and slogan or tagline. ²¹³

Section 107. Accreditation Body. An Accreditation Body is hereby created that will receive, evaluate and accredit applications for both products and producers which is composed of the following members: ²¹⁴

- Chairperson: The City Mayor or his authorized representative
- Members: President, Davao City Chamber of Commerce & Industry
Chairperson, S. P. Committee on Trade, Commerce & Industry
Center Director, Small & Medium Enterprise Development Council (SMED) Center
Department of Trade and Industry
Department of Science and Technology
Department of Agriculture
Private Sector Representative from the food sector
Private Sector Representative from the non-food sector

Section 108. Procedure for Accreditation. The Accreditation Body shall formulate and adopt procedures and requirements for accreditation and shall ensure that only products and producers that meet high quality standards shall be given such accreditation. It may charge a reasonable amount of fees in the processing of applications and the use of the “seal of excellence”. ²¹⁵

Section 109. Logo, Design, Slogan or Tagline. The Accreditation Body shall adopt a logo, design and slogan or tagline that shall best represent Davao and its high quality products and producers. The “seal of excellence” shall be printed or displayed in the packaging of all accredited products and producers and in their advertisements, marketing and sales activities. The same shall be duly registered with the Intellectual Property Office (IPO) to protect the use of the logo design and slogan or tagline. Printing establishments, advertising and sales agencies shall not use the logo, design and slogan or tagline for product packaging without the permission and consent of the Accreditation Body. ²¹⁶

Section 110. Government and Private Sector Support. All agencies of the Local Government of Davao as well as participating agencies of the national government, the business sector and consumers are hereby enjoined to support the Branding System. The City Government shall as far as practicable make use of these accredited products in the basket of goods as official gifts, token or souvenirs of the government for official missions abroad, for visiting dignitaries, and for participants in meetings, conventions, events or contests sponsored or co-sponsored by the local government.

Section 111. Penalty. Any violation of the provision of this Article shall be punishable under existing Intellectual Property laws.

²¹³ Section 3, Ordinance No. 0355-07, known as the “Davao City Branding System Ordinance”

²¹⁴ Section 4, *Ibid.*

²¹⁵ Section 5, *Ibid.*

²¹⁶ Section 6, *Ibid.*

**Article N. The Foreign Nationals Business Registration
of Davao City**

Section 112. *Regulated Acts.* Subject to existing laws and ordinances, foreign nationals who are allowed under Philippine Law to engage in business shall register the same using the following guidelines: ²¹⁷

- a. Foreign nationals must have the corresponding visa (business or investors' visa) in order to engage in business in Davao City. Those with tourist visas may apply for business permits and engage in business provided they apply for a special investor's resident visa with the Board of Investment (BOI). The copy of the approved special investor's resident visa from the Head Office shall be submitted to the Office of the Business Bureau within ninety (90) days after issuance of the business permit. Those with Student Visa or Special Student Permits are prohibited from engaging in business.
- b. Foreign nationals shall apply for their Taxpayers Identification Number (TIN) with the Bureau of Internal Revenue (BIR).
- c. For partnerships and corporations, applicants shall apply for the registration of their Articles of Partnership/Corporation with the Securities and Exchange Commission (SEC).
- d. For sole proprietorship, provided foreign nationals are allowed by law, applicants shall apply for registration with the Department of Trade and Industry (DTI).
- e. Application with the Office of the City Mayor under the Office of the Business Bureau with the following requirements:

Common Requirements:

1. Duly Accomplished Form (BB Form 1)
2. Certificate of Registration from SEC (Photocopy)
3. Articles of Incorporation/Partnership (Photocopy)
4. Current Year Community Tax Certificate (Original)
5. Certificate of Tax Exemption, if any (Photocopy)
6. Certificate of Registration with DTI (Photocopy)
7. Barangay Clearance where business is located (Original)
8. Authorization letter/Special Power of Attorney with photocopied ID of the person authorized to transact and photocopied ID of the taxpayer/applicant
9. Other requirements depending on the kind or nature of business
10. FOR FOREIGN NATIONALS
 - a. Certified Photocopy of Passport
 - b. Certified Photocopy of Visa
 - c. Alien Employment Permit which may be submitted within ninety (90) days after issuance of the business permit

²¹⁷ Section 3, Ord. No. 029-07, s. 2007 "Prescribing Guidelines in the Registration of Business Establishments with Foreign Nationals in Davao City"

- f. Foreign nationals must apply for an Alien Employment Permit with the Department of Labor and Employment (DOLE).

Section 113. Definition of Terms. ²¹⁸

“Business” refers to trade or commercial activity regularly engaged in as means of livelihood with a view of profit. It shall include business enterprises which are wholly owned by foreign nationals or where foreign nationals are part of the partnership as partners or part of the corporation as incorporators or board of directors. It shall also include businesses which employ foreign nationals.

“Student Visa” is a visa issued by the Bureau of Immigration and Deportation (BID), changing the status from tourist (9a) to student (9f), providing an eighteen (18) year old and above foreign student taking up degree courses, a temporary residency in the Philippines for the duration of his/her studies, provided, that the required period of extension is complied with.

“Special Student Permit” is a permit issued to foreign student below eighteen (18) years of age, for those who plan to take up non-degree courses for a specific period of time, not exceeding one (1) school year.

“Alien Employment Permit” is a document issued by the Secretary of Labor and Employment, through the Regional Director, authorizing a non-resident foreign national to work in the Philippines.

“Special Investor’s Resident Visa” is a visa issued by the Board of Investment (BOI), permitting and authorizing foreign nationals to engage in business.

Section 114. Prohibited Act. It shall be unlawful for any business firm or corporation with foreign nationals to engage in business in Davao City without the required business permit issued by the Business Bureau and without paying the corresponding business permit fees and other local taxes provided under existing tax ordinances of the city. ²¹⁹

Section 115. Compliance with existing laws. All businesses shall comply with all the existing laws, ordinances, rules and regulations with respect to health and sanitation, cleanliness and beautification, peace and order, zonification and the like.

Section 116. Creation of an Inter-Agency Task Force. An Inter-Agency Task Force shall be created to monitor the business enterprise of foreign nationals which shall be composed of the following: ²²⁰

The City Mayor or his authorized representative – Chairperson
The Director, Bureau of Immigration & Deportation – Vice-Chairperson
Members:

1. Director, National Bureau of Investigation
2. Director/Chief, PhilHealth Office
3. Director/Chief, Social Security System
4. Director/Chief, Bureau of Internal Revenue
5. Director/Chief, Securities & Exchange Commission

²¹⁸ Section 2, *Ibid.*

²¹⁹ Section 4, *Ibid.*

²²⁰ Section 6, *Ibid.*

6. Director/Chief, Dept. of Labor and Employment
7. Director/Chief, Philippine National Police
8. Director/Chief, Dept. of Trade & Industry
9. Director/Chief, Bureau of Customs
10. Chief, Business Bureau

Section 117. Functions of the Inter-Agency Task Force. The Inter-Agency Task Force shall have the following functions: ²²¹

1. Formulate policies to serve as guidelines for the registration of business establishments with foreign nationals;
2. To conduct monitoring activities and ocular inspections in order to determine whether the foreign nationals are complying with the law;
3. To recommend to the City Mayor, through the Business Bureau, the closure of any establishment with foreign nationals found violating any law or ordinance;
4. To recommend to the Bureau of Immigration the deportation of any foreign national found violating any law or ordinance;
5. To determine the monthly honoraria for the members of the task force.

Section 118. Secretariat. The personnel who will act as Secretariat of the accrediting body shall be composed of one (1) Legal Officer from the City Legal Office and four (4) employees of the Business Bureau. The Secretariat shall be appointed by the Task Force upon recommendation of the City Legal Officer and the Chief of the Business Bureau, respectively.

Section 119. Funding. Funding for the necessary operational and incidental expenses of the Task Force shall be provided out of the annual budgetary appropriation as recommended by the City Mayor.

Section 120. Penalty. Any violation of the provisions of this Article shall be punished by a fine of not less than Five Thousand Pesos (P5,000.00) and imprisonment of not more than one (1) year. ²²²

**Article O. Regulation on the Operation of Travel Agencies,
Tour Operators and Tour Guides in the City of Davao**

Section 121. Regulated Act. No tourism-oriented/related business establishments shall engage in the operation of travel agencies, tour operators and tour guides in the City of Davao, either domestic and international in scope, without first securing a Mayor's permit and paying the corresponding permit fee imposed under existing tax ordinances.

Section 122. Statement of Objectives. The following are the objectives of this Article: ²²³

²²¹ Section 7, *Ibid.*

²²² Section 5, *Ibid.*

- a. To promote and maintain a gender sensitive tourism industry appropriate for the continuing growth and development of Davao City;
- b. To regulate the exploration and development of existing and prospective tourist spots from an array of natural resources endowed to the City of Davao;
- c. To sustain, protect and promote the rich, collective and diverse cultural heritage that is uniquely Davao through improved manpower training, allocation and utilization of local travel and tour agencies;
- d. To consciously promote gender sensitivity to all local and foreign tourists;
- e. To ensure pro-active support and forge coordinative undertakings with the various local travel agencies, tour operators and tour guides in the initiative to attract tourists in the city;
- f. To create and develop a comprehensive Implementing Rules and Regulations (IRR) in partnership with the local travel agencies, tour operators and tour guides and appropriate government agencies;
- g. To protect every local travel agency, tour operator and tour guide currently operating in the City by securing for them the best possible terms and conditions including incentives in their tourism venture;
- h. To strengthen the network among local and national government agencies and rationalize the participation of various registered travel agencies, tour operators and tour guides to serve Davao City's thrusts and programs; and
- i. To uphold and sustain the principle of "Leadership by Example" and establish mechanisms that will effectively and efficiently ensure Davao City as the "Tourism Center in Mindanao", the East Asean Growth Area and the rest of the Asia-Pacific region.

Section 123. Definition of Terms: ²²⁴

"General Sales Agent or GSA" refers to a commercial entity engaged in selling accommodations for a certain establishment or air tickets for a certain airline, who are duly appointed by principal companies to act as their sales representatives in certain territorial jurisdiction.

"Domestic Inbound Tour" refers to a tour to Davao City or any place in Region XI.

"Domestic Outbound Tour" refers to a tour to other places outside Region XI.

"Ticketing Agent/Ticketing Company" refers to a commercial entity engaged in selling tickets for land, air and sea transportation.

"Tour" pertains to activities of bringing local or non-local residents to a tourist destination.

²²³ Section 5, Ord. No. 031-07, s. 2007 "Regulating the Operation of Travel Agencies, Tour Operators and Tour Guides"

²²⁴ Section 7, *Ibid.*

“Local Tour Guide” refers to an individual who guides inbound tours, both foreign and domestic, for a fee, commission or any other form of lawful remuneration.

“Specialized Guide” refers to a tour guide who is especially competent in a particular subject or field such as the arts, botany, architecture, nature, interpretation and is likewise proficient in any foreign language.

“Local Tour Coordinator” refers to a guide/escort who is employed by a travel agency or local tour operator to tour a party and facilitate its travel and land arrangement.

“Local Tour Operator” refers to a commercial enterprise, which may either be a single proprietorship, partnership or corporation or cooperative that engages in business pertaining to domestic inbound tour.

“Travel Agency” refers to an entity which may either be a single proprietorship, partnership or corporation regularly engaged in the business of extending to individual or groups, such services pertaining to documentation of travel papers, ticketing, sales and/or accommodation, handling and/or conduct of tours within or outside the Philippines whether for a fee, commission or any form of compensation.

“License” refers to the privilege or authority granted by the City Government of Davao to own, operate, manage and maintain a local travel agency, tour operation and tour guiding services.

“Registration” refers to the listing of travel agencies, tour operators and tour guides including those activities and promotion programs, after such travel agencies, tour operations and tour guiding services and facilities have been certified by the City Government of Davao, through the City Tourism Operations Office, as having conformed with the minimum standards/requirements in accordance with this Article.

“Office” refers to the City Tourism Operations Office.

“Association” refers to all duly registered associations of travel agencies, tour operators and tour guides in the City of Davao.

Section 124. Supporting Documents to be submitted together with the Application. In addition to the requirements provided under R. A. 7160, otherwise known as the Local Government Code of 1991 and other applicable and existing local ordinances in applying for a Mayor’s permit or license, an Application to operate a travel agency, tour operator and tour guiding services shall be supported by documents as provided in the Implementing Rules and Regulations. ²²⁵

Section 125. Validity of Mayor’s Permit or License. The duly issued Mayor’s permit shall be non-transferable and shall be valid until the 31st day of December of the same year.

Section 126. Validity of City Tourism Operations Office License. The license to operate duly issued by the City Tourism Operations Office to travel agencies, tour operators, and tour guides shall be non-transferable and shall be valid until the 31st day of December of the same year.

²²⁵ Section 8, *Ibid.*

Section 127. Minimum Office Requirements. Every travel and tour agency shall establish and maintain a principal office in a commercial district within the City of Davao. A branch office may be established by any travel and tour agency in the same manner.

Section 128. Access of the Office Representatives to Agency's Records. Within a reasonable time and during regular business hours, the books, accounts and other pertinent records of the agency may be examined by the concerned authorized representatives of the government in order to determine compliance with applicable laws and ordinances.

Section 129. Tourism Activities. Tourism activities organized and conducted by travel agencies and local tour operators duly accredited, registered and licensed by the City Government of Davao or those travel agencies and tour operators affiliated with the latter shall be entitled to privileges, incentives and tax exemption upon recommendation of the City Tourism Operations Office and as it may deem proper by law. Any and all non-local tour operators shall be subject to the standard mandate of this Article such as, but not limited, to the following: ²²⁶

- a. Registration with the City Tourism Operations Office;
- b. Accreditation of non-local travel agencies, tour operators and tour guides including tour coordinators as well as their tour packages and promotions;
- c. Certification of approval of the Davao Tour promotional packages offered to both domestic and foreign residents of the city; and
- d. Proper payment of applicable local taxes imposed on any and all tourism activities they operate in the city.

Section 130. Classification of Tour Guides. Tour guides shall be classified as follows:

- a. Specialized Guide
- b. Local Tour Coordinator
- c. Local Tour Guide

Section 131. Qualification for Tour Guides. Only Filipino citizens may qualify as tour guides, provided that in the case of alien applicants, proof of employment with the duly licensed agency, permit to work or registration certificate from the Department of Labor and Employment (DOLE), and appropriate Visa from the Bureau of Immigration and Deportation shall be required.

Section 132. Training. Tour guides and tour operators must undergo and conduct gender sensitivity trainings which must be facilitated by the Integrated Gender Development Office (IGDO).

Section 133. Prohibited Acts. Any of the following acts, omission, or offenses shall be a sufficient ground for the cancellation of the certificate of registration, and non-renewal of the Mayor's Permit or license: ²²⁷

- a. Failure to renew the permit as required under this Article or non-compliance with the requirements provided for under this Article;

²²⁶ Section 13, *Ibid.*

²²⁷ Section 17, *Ibid.*

- b. Fraudulent representation, written or oral, by the Chief Executive Officer/Manager of the agency for the purpose of securing issuance of any license under the rules;
- c. Gross and evident bad faith in dealing with client/fraudulent solicitation of business;
- d. Employment or hiring of tour guides who are not holders of a license issued by the City Mayor including working visa and working permit in the case of a non-Filipino employee, whether contractual or permanent;
- e. Making any false declaration or statement or making use of any such declaration or statement or any document containing the same for committing fraud or any act of misrepresentation for the purpose of obtaining the issuance, grant or renewal of any certificate of registration or license;
- f. Failure to comply with or contravention of any of the conditions set forth in the license;
- g. Failure to meet the standards and requirements for the operation of tour and travel agencies as prescribed by the rules
- h. Serious physical injury or loss of life of any guest due to the fault or negligence of its officials or employees;
- i. Allowing, promoting or permitting the tour and travel agency including any of its facilities, to be used for illegal, immoral, illicit activities, such as but not limited to, gambling, prostitution, sex tours and the like;
- j. Tolerance of gross misconduct, discourtesy, dishonesty, or misrepresentation and/or fraudulent solicitation of business committed by any of the officers or employees against their clients to the detriment of the tourism industry;
- k. Willful violation of agreements and/or contracts entered into by the tour and travel agency and its clients;
- l. Failure to pay fine, as well as fees, dues and contributions imposed under existing rules;
- m. Failure to submit notice of any change in its personnel within fifteen (15) working days from such change;
- n. Employment/hiring of employees who are not holders of a license issued by the licensing agency or non-Filipino employees, whether contractual or permanent, without valid working visa and work permit;
- o. Opening of any branch without prior registration with the City Tourism Operations Office; and
- p. Any other similar acts/omissions that will work against the interest of the tourism industry.

Section 134. *Procedure Governing Complaints and Hearing before the City.*

Any complaint against a travel agency, tour operator or tour guide must be filed in writing and duly notarized with the City Tourism Office. A Complaint Committee,

composed of two (2) representatives from the recognized tour guide, travel and tour organizations in the City and the City Tourism Office shall be responsible for the speedy investigation of complaints against travel agencies, tour operators and tour guides, in accordance with Section 133 of this Article.

Section 135. Code of Ethics and/or Conduct. Tourism establishment managers/operators and/or associations and the City Tourism Operations Office shall draft their respective Code of Ethics and/or Conduct which shall govern their dealings with one another and shall be observed by the staff or employees in dealing with their guests, both foreign or local. Such Code of Ethics and/or Conduct shall include the administrative penalties that may be imposed for violations committed such as fine, suspension or dismissal from the service. The said Code of Ethics and/or Conduct approved by the City Tourism Operations Office shall become part of these rules; provided that in case of conflict between any provisions of these rules, the Code of Ethics and/or Conduct of the former shall prevail.

Section 136. Implementing Rules and Regulations. The City Tourism Operations Office, the Chairperson of the Committee on Tourism and Beautification of the Sangguniang Panlungsod and the City Legal Officer, in consultation with the sectoral associations, shall draft the Implementing Rules & Regulations for the purpose of enforcing the provisions contained in the Ordinance within six (6) months after the approval of the same.

Sufficient funds shall be allocated for the drafting of the Implementing Rules and Regulations and the implementation of the Ordinance, which shall be taken from the annual or supplemental budget of the City.

Section 137. Penalty.²²⁸

- a. Violation by a Licensee or Holder of Authority: Any person, whether natural or juridical, licensed by the City Mayor to engage in the operation of the establishments or businesses mentioned herein who shall violate or cause another to violate any provision of this Article shall, upon conviction by a competent court, suffer the penalty of imprisonment of not more than six (6) months or a fine of Five Thousand Pesos (P5,000.00), or both, at the discretion of the court. In addition thereto, the license issued by the City Mayor shall be deemed automatically withdrawn and revoked.
- b. If the offender is a corporation, partnership, firm or association, the penalty shall be imposed upon the officer or officers. If the officer(s) is/are (an) alien, he/she shall, in addition, be subjected to deportation.

Article P. Requiring Business Establishments to Provide Seats for Female Employees/Workers

Section 138. Regulated Act. All private establishments operating and/or doing business within the territorial jurisdiction of the City of Davao are required to provide seats to all their female employees/workers doing work in their establishments and allow them to use the same during the performance of their work, provided that the

²²⁸ Section 18, Ord. No. 031-07, s. 2007 "Regulating the operation of Travel Agencies, Tour Operators and Tour Guides in Davao City"

same shall not affect and will not compromise the workers' efficiency in doing or complying with their duties.

Section 139. Declaration of Policy. The City Government of Davao hereby declares the following policies: ²²⁹

- 1) To initiate, give meaning to, and set standards that will ensure the safety and health of women employees and workers in the light of Article 132 of the Labor Code;
- 2) To achieve better working conditions for women labor as part of reproductive health care approach at all levels of health care delivery, in relation to family planning and child bearing as cited in Section 47, Article V of the Women Development Code of Davao City;
- 3) To recognize the role of women in nation-building and to ensure equality before the law at all times of men and women as enunciated in Section 14, Article II of the Philippine Constitution;
- 4) To reinforce the mechanisms to protect working women by providing safe and healthful working conditions, taking into account their maternal functions and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the Service of the Nation as stated in Section 14, Article XIII of the Constitution; and
- 5) To enhance and ensure the development of the health of women, which is hereby declared as a priority objective in consonance with Section 15, Article II of the Constitution.

Section 140. Definition of Terms. ²³⁰

- 1) Female employee/worker includes any female employed by an employer. It shall also apply to any female working within the business premises of an employer, either hired directly by the latter or supplied by an agency or directly contracted by the establishment from said agency;
- 2) Employer refers to any person or entity who employs the services of others, or one for whom employees work and pays their wages or salaries. It includes private business, commercial, trade, industrial or service establishments such as, but not limited to, malls, stores, pharmacies, factories, restaurants, hotels, inns and the like in whose premises the female employee or female worker as above defined, is assigned or works for;
- 3) Private sector/Entity refers to any person, establishment, company or entity engaged in any activity or business endeavor, either for profit or not, other than the National Government Agencies, its political subdivisions, or any government-owned and controlled corporation.

Section 141. Implementing Guidelines. ²³¹

²²⁹ Section 2, Ord. No. 060-08, s. 2008 "Requiring Business Establishments to Provide Seats for Female Employers/Workers"

²³⁰ Section 4, *Ibid.*

²³¹ Section 3, *Ibid.*

The employer shall provide seats for their female employees while on duty or during prescribed working hours, and while in the performance of their work, provided that the same shall not affect, and will not compromise the workers' efficiency in doing or complying with their duties. One (1) chair shall be provided for every five (5) female employees or workers, and in the case of establishments whose number of female workers is below five (5), one (1) chair shall be provided to them.

Section 142. Prohibited Acts. ²³²

- 1) The employer shall not deprive their female workers to take a seat and be seated at a reasonable time while in the performance of their work or duty, provided that, the same shall not compromise the employers' interest to provide efficient and quality service to their clients or customers;
- 2) The employer shall not reprimand, suspend or discharge its/his employee/s, whether male or female, for having testified, or prevent any of its employees from testifying, on the complaint filed by any female employee or worker against the employer for any violation of the provisions of this Article.

Section 143. Provisions for Implementation. ²³³

- 1) The Integrated Gender Development Office (IGDO) of the City of Davao, created and tasked to implement the Women Development Code of Davao City and to act as the coordinating, regulatory and monitoring body of the City Government for the realization of programs related to women's rights and development, is hereby mandated to ensure that the provisions of this Article shall be strictly implemented and complied with by all private establishments operating within the territorial jurisdiction of Davao City;
- 2) For this purpose, the said office is mandated to perform the following functions, *to wit*:
 - a. To submit an annual report to the Office of the City Mayor and to the Office of the Sangguniang Panlungsod of the City of Davao relative to the status of the implementation of this Article;
 - b. To receive complaints in any form from any female employee or worker against her employer for any violation under this Article, and to investigate the same and make the necessary findings and recommendations to the Office of the City Mayor and Sangguniang Panlungsod; and
 - c. To promulgate rules and regulations, if necessary, for the effective implementation of this Article, in consultation with the representatives of the employers in the private sector, and the female employees'/workers' association.

Section 144. Penalty. Any employer who violates the provisions of this Article shall, upon conviction, be penalized by a fine of not less than One Thousand Pesos (P1,000.00) nor more than Five Thousand Pesos (P5,000.00), or by imprisonment of not less than one (1) month nor more than six (6) months, or both such fine and imprisonment at the discretion of the court in the light of Section 458, Article III of the Local Government Code.

²³² Section 3, *Ibid.*

²³³ Section 5, *Ibid.*

If the violation is committed by a juridical entity, the President, General Manager, or the individual entrusted with the administration thereof at the time of the commission of the violation, shall be held responsible or liable for the violation. ²³⁴

Other Related Codes or Ordinances

DAVAO CITY INVESTMENT INCENTIVE CODE & ITS IMPLEMENTING GUIDELINES
(Ordinance Nos. 2017 and 2269-A, all series of 1994)

COMPREHENSIVE DEVELOPMENT PLAN (CY 1996-2021)
(Ordinance No. 3996, series of 1996)

AMENDED ZONING ORDINANCE
(Ordinance No. 4042, series of 1996)

Other Related Codes or Ordinances (Continued)

MARKET CODE OF DAVAO CITY
(Ordinance No. 132, series of 1989)

REAL PROPERTY TAX CODE OF DAVAO CITY
(Ordinance No. 4122, series of 1996)

WATER RESOURCE MANAGEMENT & PROTECTION CODE
(Ordinance No. 117-01, series of 2001)

THE 2005 REVENUE CODE OF DAVAO CITY
(Ordinance No. 0158-05, series of 2005)

²³⁴ Section 6, *Ibid.*

WATERSHED PROTECTION, CONSERVATION & MANAGEMENT CODE
(Ordinance No. 310-07, series of 2007)

ESTABLISHMENT & MANAGEMENT OF THE DAVAO CITY MARINE PROTECTED
AREAS *(Ordinance No. 0375-07, series of 2007)*

FIXING THE SCHEDULE OF FAIR MARKET VALUES OF REAL PROPERTIES
(Ordinance No. 040-07, series of 2007)

PROVIDING FOR THE SUSTAINABLE DEVELOPMENT, CONSERVATION &
MANAGEMENT OF THE FISHERIES & AQUATIC RESOURCES IN DAVAO CITY
(Ordinance No. 093-08, series of 2008)

CHAPTER X
PUBLIC UTILITIES

Article A. Davao City Overland Transport Terminal (DCOTT)

Section 1. Location and Use of the Terminal. Davao City shall integrate the loading and unloading for all public utility buses (mini, medium and large) with destination outside the territorial jurisdiction of the City at the Davao City Overland Transport Terminal located within the SIR Project Area at New Matina, Davao City. ²³⁵

Section 2. Creation of Satellite Terminals. All Public Utility Jeepneys (PUJs) operating within Davao City as well as those with destinations outside the City's territorial jurisdiction shall load its passengers at the PUJ satellite terminals at the Bankerohan, Agdao, Trading and Boy Scout areas, Davao City. And all L300, KIA Besta and other similar public transport vans or services with destinations outside the territorial jurisdiction of Davao City shall load its passengers and/or wait for its turn to depart for its destinations at the satellite transport terminal at New Matina Area, the Old Matina and the Bajada areas of Davao City. ²³⁶

Public Utility Jeepney operations shall be made available at the herein mentioned satellite terminals at least every five minutes interval up to 12:00 o'clock in the evening.

The PUJ Satellite Terminals shall be owned and operated by duly accredited operators and drivers cooperatives. It shall be the responsibility of the PUJ terminal managers/owners to ensure the safety and security of the commuters and their cargoes. It shall likewise provide convenience to the riding public which includes provision of clean and sanitary comfort rooms and wash rooms; public telephones and benches for waiting passengers and facilities for differently-abled passengers pursuant to the provisions of BP 344. Lost and found counters, as well as, bus and boat ticket booths shall also be provided. The terminal premises shall be kept clean and sanitary at all times. ²³⁷

Section 3. Rules and Regulations. ²³⁸

1. For a more effective and efficient utilization of the said Overland Transport Terminal, the traffic routing scheme approved under existing ordinances of the city shall be followed.
2. All public utility buses (PUBs - whether large, medium or baby us) including public utility jeepneys with destinations outside Davao City with final or transient destination, and/or points of departure at Davao City shall unload and load their passengers, at the said Davao City Overland Transport Terminal at New Matina, this City.
3. Other public utility vehicles (i.e. PUJs with destination within the City and taxicabs) may be allowed to make use of the Overland Transport Terminal,

²³⁵ Sec. 2, Ord. No. 047-04, s. 2004 "Allowing the establishment of a Satellite Transport Terminal for all authorized L-300, Besta and similar public Transport Vans with destinations outside Davao City"

²³⁶ Sec. 1, Ord. No. 0192-06, s. 2006 "Allowing further the establishment of qualified transport operators or by the City of Davao of transport terminals for Transport Vans with issued franchises at the Old Matina and Bajada areas"

²³⁷ Ord. No. 2021, s. 1994 "Establishing PUJ Satellite Terminals at certain strategic places in Davao City Poblacion"

²³⁸ Secs.3, 4, 5, 6 & 7, Ord. No. 110, s. 1986 "D. C. Overland Transport Terminal Ordinance"

under such guidelines, rules and regulations as may be promulgated by the Davao City Overland Transport Terminal Management Board with the Land Transportation Office (LTO).

4. Public Utility buses with franchises to serve special subdivision or specific areas only, within Davao City, are exempted or not covered by the provisions of this Article.
5. The DCOTT Management may request the assistance and shall coordinate with the Land Transportation Office in Davao City, the Constabulary Highway Patrol Group (CHPG), and the Davao City Police Office (DCPO) in the prosecution and implementation of the traffic routing scheme.

Section 4. Administrative Provisions. There is hereby created a Davao City Terminal Board to be composed of five (5) Members, to wit: ²³⁹

- | | | |
|---|---|-------------|
| A representative of the City Mayor | - | Chairperson |
| A representative of the City Treasurer | - | Member |
| A representative of the Sangguniang Panlungsod | - | Member |
| A representative of the bus operators as may be appointed by the City Mayor | - | Member |
| A representative of the business and civic organization as may be appointed by the City Mayor | - | Member |

Unless otherwise called by a written call of the City Mayor, the Board shall meet twice a month at such place and time as may be determined and agreed upon by the Board.

Section 5. Powers, Functions and Responsibilities. The Davao City Terminal Board shall be vested with the following functions, powers and responsibilities, to wit: ²⁴⁰

1. It shall adopt requisite policy guidelines and standards in the management and administration of said City Overland Terminal;
2. It shall promulgate rules and regulations governing the operation, administration and maintenance of the bus terminal;
3. It shall adopt rules and regulations regarding the use of terminal premises by the management of the different bus companies;
4. It shall issue guidelines in the manner or mode of disposition of all rentable areas in the terminal;
5. It shall fix terminal fees which shall be charged against bus operators and terminal concessionaires;
6. It shall provide authorization and regulation on portorage and cargo handling at the terminal;
7. The Board shall formulate other regulating measures as may be necessary in

²³⁹ Art. III, Section 8, Ord. No. 110, s. 1986 "D. C. Overland Transport Terminal Ordinance".

²⁴⁰ Art. III, Section 8, par. 2, *Ibid.*

the effective administration, maintenance and operation of the terminal;

8. Cause the detail of personnel from various city offices who shall initially compose the management staff of the terminal, until such time that the terminal becomes self-liquidating.
9. All the policies herein mentioned and all those that the Board may promulgate shall be subject to the approval of the City Mayor.

Section 6. *Honoraria.* The Members of the DCOTT Board shall receive honoraria as it may determine, subject to the approval of the City Mayor, in accordance with existing regulations, subject further to the usual government accounting and auditing rules and regulations. ²⁴¹

Section 7. *Terminal Management.* The Davao City Overland Transport Terminal (DCOTT) shall be managed and administered by the Davao City Bus Terminal Management, to be composed of personnel appointed by the Mayor in accordance with the existing staffing pattern and organizational structure of the City Government. The Terminal Manager shall be hired, appointed or designated by the City Mayor, who may either be a competent person engaged on a contractual basis at a maximum monthly compensation based on existing law and salary standards, or an incumbent official of the City Government, who shall perform the duties of the Bus Terminal Manager in addition to his duties. ²⁴²

The Bus Terminal Manager shall have the following duties, functions and responsibilities, to wit: ²⁴³

1. Directs the day to day operation of the Bus Terminal;
2. Ascertains the security of the area and safety of the clientele, allocation of space within the terminal for all vehicles using the facility;
3. Assists in the enforcement of regulations particularly the time of departure of all vehicles in accordance with their Certificate of Convenience;
4. Maintains/Upgrades the facilities particularly of the internal road system; parking/departure bays and structures, sanitation within the area and its peripheral environment and the operation of utility;
5. Ensures collection of revenues due the facility;
6. Prepares the necessary administrative and financial reports for the use of higher authorities including the operating budget of the organization;
7. Proposes changes to innovate operating procedures including policies such as fee structure, etc. for the successful operation of the terminal;
8. Serves as Secretariat to the Terminal Board, including the development of proposals for policy enactment;

²⁴¹ Sec. 1, Ord. No. 3319, s. 1995 "Amending Article III of Ord. No. 110, s. 1986, by adding Sec. 9, on Honoraria of the Members of the DCOTT Board"

²⁴² Sec. 13, Ord. No. 63, s. 1985 "Establishing Guidelines, Rules and Regulations on the Operation of the DCOTT Terminal"

²⁴³ Sec. 16, *Ibid.*

9. Performs such other duties as may be directed by the Terminal Board.

Section 8. Charges and Fees. The Davao City Terminal Management shall collect from all public utility owners or operators for each time use per vehicle, loading in the said terminal, the following fees, to wit: ²⁴⁴

Type of Vehicle Buses: (per loading)	Terminal Fee
1. Baby buses or PUJs with destinations outside the city limits, with maximum seating capacity of 20 passengers	P25.00 (Ord. No. 084-08)
2. Medium buses with maximum seating capacity of 40 passengers	P40.00 (Ord. No. 084-08)
3. Large buses with maximum seating capacity of over 40 passengers	P50.00 (Ord. No. 084-08)
4. Shuttle or mini buses and PUJs with destination outside City limits	P2.50/departure
5. PUJs with a passenger capacity of more than 20 passengers	P30.00 (Ord. No. 084-08)
a. Private/other public utility vehicles using car parks	P1.00 for the 1st hour 0.50 for each succeeding hour
b. For laborer or porter engaging in portorage and cargo handling inside the terminal	P4.50
c. For peddler or vendor selling Inside the terminal	P4.00
d. For heavy trucks loading and unloading cargoes within the terminal	P5.00
e. For light trucks loading and unloading cargoes within the terminal	P3.00

Section 9. Concession Structure and Fees. The Davao City Overland Transport Terminal Management shall segregate and establish a refreshment, eatery and chuchiria concession within the terminal compound which area shall initially be subdivided into 3m x 4m, concession spaces, to be allocated for refreshment distributors, refreshment/eatery concessionaires, and couchiria (i.e. miscellaneous

²⁴⁴ Sec. 8, par. 5, Ord. No. 110, s. 1986, as amended by Ord. No. 084-08, s. 2008

commodities) concessionaires. ²⁴⁵

The management shall distribute such concession spaces through raffle in accordance with the rules, regulations and terms of lease that the DCOTT Board may adopt and promulgate. The following monthly rental shall be charged against concessionaires within the DCOTT concession area, to wit:

- a. For rental of land used for refreshment, eatery and chichiria concession spaces, with structures built by the Concessionaires - P6.00/sq.m./day (maximum P3,000/mo. subject to future adjustment; (*Ordinance No. 084-08*))
- b. P5,500.00 per month rental for the canteen and sari-sari store at the southern end of the terminal;
- c. P40.00 per sq. m. per month for the available office space within the administration building;
- d. P40.00 per sq. m. per month for eatery, couchiria and refreshment parlors with structures built by DCOTT and/or the City within the terminal premises;
- e. P40.00 sq. m. per month for cigarette, news and fruit stand built by DCOTT and/or the City within the terminal premises;
- f. P30.00 per sq. m. per month for stalls within the immediate vicinity of the terminal complex and built by the City;
- g. P7.50 per stall per day, for stalls within the immediate vicinity of the terminal complex and built by the concessionaires;

Section 10. Penalty. Any person or persons who shall violate any provision of this Article or the rules and regulations promulgated under the authority of this Article shall be punished by a fine not exceeding Five Thousand (P5,000.00) Pesos or imprisonment of not more than six (6) months or both, such fine and imprisonment, at the discretion of the court. Provided, however, that should the violation be committed by any public utility firm or entity, the general or resident manager, shall become responsible and shall be charged and penalized with such violation. Further, the involved public utility firm or entity shall be recommended to the Land Transportation Franchising Board (LTFRB) and other government offices having supervisory powers over the same, for any appropriate disciplinary action including suspension and/or cancellation of franchise. ²⁴⁶

Article B. The Davao City Recreation Center (Almendras Gym)

Section 11. Goals and Objectives. The Davao City Recreation Center (Almendras Gym) shall be operated and maintained for the following goals, objectives

²⁴⁵ Secs. 10 & 11, Article V, Ord. No. 31, s.1984 “Establishing Guidelines, Standards, Rules & Regulations for Operation & Establishment of the Interim Bus Terminal”

²⁴⁶ Sec. 5, Ord. No. 2021, s. 1994 “Amending the Bus Terminal Ordinance by establishing PUJ Satellite Terminal at certain strategic places in Davao City Poblacion”

and purposes. ²⁴⁷

- a. To provide a convenient, secure, healthful, accessible and strategically located forum, venue and facility, for sports contests, games, conventions, seminars, art and cultural presentation, and other public and private assemblies;
- b. To encourage wholesome sports and physical fitness programs, in order to create a most desirable climate of physical health and well-being of city residents; and
- c. To promote and enhance art and cultural pursuits, as shall inspire and improve the quality of life and recreational activities of the people.

Section 12. *Administration and Management.* The Davao City Recreation Center (Almendras Gym) shall be managed by a Board of Trustees designated by the City Mayor whose term of office shall be at the pleasure of the designating official. ²⁴⁸

The following shall compose the Center's Board of Trustees:

The City Mayor or his authorized representative	-	Chairperson
Floor Leader of the City Council	-	Member
Chairperson of the Committee on Sports and Youth, SP	-	Member
Chairperson, Committee on Government Enterprises	-	Member
Representative of the City Treasurer	-	Member
Representative of the City Engineer	-	Member
Representative of the Private Sector	-	Member

Section 13. *Powers and Functions.* The Board of Trustees shall have the following powers and functions:

- a. To recommend to the City Mayor and provide for the collection of the prevailing rentals, charges and fees, for the use of similar recreational facilities in the City of Davao, subject to the approval of the Sangguniang Panlungsod and the City Mayor.
- b. To recommend to the Sangguniang Panlungsod and to the City Mayor, the adoption of a plantilla of administrative personnel, for the efficient administration, operation, lighting, sanitation and security of the center and its facilities, and to recommend the salaries of its employees, provided however, that such salaries shall not exceed the salaries of employees of the City Government performing equivalent or similar duties;

²⁴⁷ Section 2, Ord. No. 514, s. 1985 "Providing for the Administration, Supervision and Management of the D. C. Recreation Center - Almendras Gym"

²⁴⁸ Section 3, *Ibid.*

- c. To undertake and provide for the repair, construction, maintenance, improvement and or expansion of the facilities of the Center, in order that the center can more effectively render and deliver the public services for which it had been constructed;
- d. To program and discharge any funds which the City Government and administration of the center and of its income resulting from its operations; and
- e. To exercise such other powers and perform such other duties and functions as may be prescribed by Ordinance.

Section 14. Rates for the Use of the Center. The following rental rates shall be imposed for the use of Davao City Recreation Center (Almendras Gym), viz: ²⁴⁹

BASKETBALL PRACTICE

P30.00/hr. day time
P50.00/hr. night time

BASKETBALL LEAGUE

P85.00/hr. day time
P100/hr. night time

ACTIVITIES

P1,500.00 - conventions/seminars/school activities
P2,000.00 - local and Visayan presentation and other social gatherings/parties
P2,500.00 - Manila presentation

BOXING PROMOTION

P3,700.00 - Oriental Title of Exhibition
P3,500.00 - National Title Bouts
P2,500.00 - Local Cards

CHAIRS

P3.00/chair

Section 15. Receipts and Deposits of Center Funds. The City Treasurer shall receive, to the credit of the Center, and in trust for its use and benefit, all monies belonging to the Center, which shall constitute a "Trust Fund" the same to be deposited with the designated depository bank of the City.

Section 16. Disposition of Income. The Income of the Center shall be a "Trust Fund" and shall be disposed of according to the following priorities: ²⁵⁰

²⁴⁹ Section 4, *Ibid.*

²⁵⁰ Section 6, *Ibid.*

- a. First - to pay its contractual and statutory obligations to meet its essential current administrative operating expenses;
- b. Second - to allocate the residue, as a reserve, to be disbursed and utilized exclusively for the expansion and improvement of the center facilities.

Section 17. Power to Enter into Contracts. The Center, upon authority of the Board of Trustees, shall have the power to enter into contracts with any person in connection with the purpose of the Center which contracts shall be signed by the Chairperson of the Board of Trustees or such other officials as the Board may authorize. ²⁵¹

Section 18. Rules and Regulations. ²⁵²

- a) The reservation for the use of the Davao City Recreation Center (DCRC) shall only be considered as booked upon full payment of the twenty percent (20%) deposit and shall be forfeited in case of cancellation and that no replacement shall be allowed.
- b) No exemption from the payment of rental for the use of the Davao City Recreation Center (DCRC) shall be granted when it is intended for social or civic activities for which entrance fees are collected;
- c) The free use of the gym shall be approved solely by the City Mayor and the recipient thereof shall only be required to pay Two Hundred Pesos (P200.00) for electric current consumption.

Other Related Codes or Ordinances

PUBLIC UTILITY RE-ROUTING SCHEME, AS AMENDED
(Ordinance No. 108, series of 2000, Ordinance Nos. 0195-04 & 0229-04, s. 2004)

²⁵¹ Section 7, *Ibid.*

²⁵² Section 1, Ord. No. 879-D, s. 1993 “Providing Guidelines for the Operation of the Davao City Recreation Center”

CHAPTER XI

GAMES AND AMUSEMENT

Article A. Regulations in the Establishment of Cockpits and Holding of Cockfights

Section 1. Regulated Acts.

1. No person shall establish, operate or maintain any cockpit in Davao City without first securing a license from the Sangguniang Panlungsod;
2. No cockpit shall be allowed to operate without proper Registration Certificate secured not later than January 20 annually. All cockpits in Davao City shall register with the Office of the City Mayor, through the Business Bureau.
3. Only duly registered and licensed promoters, referees, cashiers, bet managers, pit referees, bet takers, or gaffers shall take part in all kinds of cockfights held in this City. No operator or owner of a cockpit shall employ or allow to participate in a cockfight any of the above-mentioned personnel unless he has registered and paid the fee herein required. ²⁵³
4. No Special cockfighting shall be allowed unless authorized by the Sangguniang Panlungsod through an approved resolution at least thirty

²⁵³ Section 95 (d), Ord. No. 0158-05, s. 2005 “2005 Revenue Code of Davao City”

(30) days before the event. ²⁵⁴

5. No international cockfight derby may be held without an approved resolution from the Sangguniang Panlungsod authorizing the promotion of not more than eight (8) international cockfight derbies every year in Davao City, for the support of national fund-raising campaigns as may be authorized by the Office of the President, upon application of duly qualified promoters and countersigned by the owner/ operator or licensee of the cockpit. Such application shall be filed at least sixty (60) days before the scheduled international cockfight derby. ²⁵⁵

Section 2. Prohibited Acts.

1. Cockpits shall be constructed and operated within the appropriate areas as prescribed in the Zoning Law or Ordinance. In the absence of such law or ordinance, the City Mayor shall see to it that no cockpits are constructed within or near existing residential or commercial areas, hospitals, school buildings, churches or other public buildings. Owners, lessees, or operators of cockpits which are now in existence and do not conform to this requirement are required to comply with these provisions within a period to be specified by the City Mayor. Approval or issuance of building permits for the construction of cockpits shall be made by the City Engineer in accordance with existing ordinances, laws and practices. ²⁵⁶
2. No gambling of any kind shall be permitted on the premises of the cockpit or place of cockfighting during cockfights. The owner, manager or lessee of such cockpit and the violators of this injunction shall be criminally liable under the provisions of this Article.
3. No person less than fifteen (15) years of age shall be allowed inside the premises of the cockpit during cockfight. The Operator, Manager or Licensee shall be responsible for the strict compliance of this rule. ²⁵⁷

Section 3. Definition of Terms. As used in this Article, the following terms shall mean, as follows: ²⁵⁸

Cockfighting (Sabong) - shall embrace and mean the commonly known game or term "Cockfighting derby", "pintakasi", "tupada", or its equivalent terms in different Philippine localities.

Cockpit (Sabongan) - the properly enclosed premises or compound provided with one or more gates or door for definite points of entrance and exit and licensed in accordance herewith for the holding of cockfighting derby, pintakasi, tupada or its equivalent terms in different Philippine localities.

²⁵⁴ Section 100 (b), *Ibid.*

²⁵⁵ Section 100 (c), *Ibid.*

²⁵⁶ Section 95 (c), Ord. No. 0158-05, s. 2005 "2005 Revenue Code of Davao City"

²⁵⁷ Section 101 (e), *Ibid.*

²⁵⁸ Section 2 , Ordinance. No. 5003, s. 1997 "Cockfighting Code of Davao City"

Cockfight (Soltada) - the actual fight or physical combat of two (2) pitted or evenly matched gamecocks, where bets on either side are laid.

International Derby - means a cockfight promotion with participants from different nations.

National Derby - means a Cockfight promotion with nationwide participants.

Regional Derby - means a Cockfight promotion with participants from a particular region.

Regular Cockfight - means a Cockfight held on Sundays and/or legal holidays.

Special Cockfight - means a cockfight held on days other than Sundays and legal holidays for special purposes.

Special Permit - means a permit secured from the City Mayor to hold cockfighting on days other than Sundays and legal holidays.

Cockpit Manager - a person who professionally, regularly and habitually manages a cockpit and cockfights therein. He may or may not be the owner of the cockpit himself.

Referee (Sentenciador) - a person who watches and oversees the progress of the cockfight and decides its results by announcing the winner or declaring a draw or no contest game.

Bet Manager (Kasador) - a person who calls and takes care of bets from owners of both gamecocks and those of other bettors before he orders commencement of the cockfight and thereafter, distributes winning bets to the winners after deducting a certain commission.

Bet-Taker (Kristo) - a person who participates in cockfights and with the use of money or other things of value, bets with other bettors, or through other bet-takers and win or losses his bets depending upon the result of the cockfights as announced by the referee or sentenciador.

Gaffer (Mananari) - a person knowledgeable in the technique of arming fighting cocks with gaff or gaffs on either or both legs.

Handler (Soltador) - a person who personally takes physical custody and control, inside the area of pitted gamecock and who actually releases the same for actual fight and combat in a cockfight.

Promoter - a person licensed by the Sangguniang Panlungsod as such, who is engaged in the convening, meeting, holding and celebration of specially programmed and arranged cockfighting like local and international derbies or competitions, special mains or matches or encounter, pintakasi and ordinary fights or hackfights.

Gamecock - refers to domesticated fowls, whether imported or locally bred, as well as the native fighting cock indigenous to the country, especially bred, trained and conditioned for actual cockfighting or for propagation and breeding purposes for eventual use in cockfighting.

Breeder - a person engaged in gamefowl breeding propagation for personal and/or commercial purposes for eventual use in cockfighting.

Cocker (Aficionado) - a person who participates and bets in cockfighting as a sports, amusement, recreation or form of relaxation.

Zoning Law or Ordinance - either or both national or local City legislation which logically arranges, prescribes, defines and apportions a given political subdivision into specific land uses at present and future projection, if needs warrant, in accordance with the Housing and Land Use Regulatory Board (HLURB).

Section 4. Rules and Regulations. **The Rules and Regulations of the Philippine Gamefowl Commission, adopted on June 1, 1981, and the provisions of P.D. 1802 and other amendments, affecting cockpit, cockfighting, and cockpit personnel and P.D. 449 (Cockfighting Law of 1974) as amended, are hereby adopted by the City as part of this Article, as follows:**

I. Ownership and Establishment of Cockpits: ²⁵⁹

1. Only Filipino citizens not otherwise inhibited by existing laws, shall be allowed to own, manage and operate cockpits; provided that cooperative capitalization is encouraged.
2. Only one (1) cockpit shall be allowed in each of the eleven (11) political districts namely: Poblacion, Talomo, Agdao, Buhangin, Bunawan, Paquibato, Toril, Tugbok, Calinan, Baguio and Marilog Districts and those that may hereafter be created, except in political districts with a population of over one hundred thousand (100,000), where two (2) cockpits may be established, maintained, and operated.
3. Cockpits shall be constructed and operated within the appropriate areas as prescribed in the Zoning Law or Ordinance. In the absence of such law or ordinance, the City Mayor shall see to it that no cockpits are constructed within or near existing residential or commercial areas, hospitals, school buildings, churches or other public buildings. Owners, lessees, or operators

²⁵⁹ Section 3, paragraphs (a & b), *Ibid.*

of cockpits which are now in existence and do not conform to this requirement are required to comply with these provisions within a period to be specified by the City Mayor. Approval or issuance of building permits for the construction of cockpits shall be made by the City Engineer in accordance with existing ordinances, laws and practices. ²⁶⁰

II. Licensing of Cockpits: ²⁶¹

1. Subject to the provisions of Book II of R.A. 7160, the Sangguniang Panlungsod shall enact an Ordinance authorizing the issuance of licenses to operate cockpits in the City of Davao pursuant to the provisions of Article 99 Section (a) Subsection (3) Paragraph (v) of the Rules and Regulations Implementing the Local Government Code of 1991. The following requirements must be fully complied with prior to the issuance of licenses:

A. New License:

1. The location and vicinity plan of the cockpit.
2. Building Plan and Design as approved by the City Engineer and a Certificate by him to the effect that the cockpit was constructed in accordance with such approved plan/design.
3. A certification by the Zoning Administrator to the effect that the cockpit building was constructed in the area allowed by the Zoning Ordinance and that it is not within a radius of 200 meters from any existing residential or commercial area, hospitals, school buildings, churches, or other public buildings.
4. Official Receipts showing payment of the required City taxes, fees.
5. Sanitary Permit / Clearance.

B. Annual Renewal:

1. Official Receipts showing payment of the required City taxes, fees before the date of renewal of application, a certification from the City Engineer to the effect that such cockpit is free from material, structural or other physical hazards.

C. Registration Certificate – All cockpits in Davao City after having been granted authority to operate by the Sangguniang Panlungsod shall register with the City Mayor through the Business Bureau. No cockpit shall be allowed to operate without the proper registration certificate. In order to secure a registration certificate the applicant shall submit the following documents:

²⁶⁰ Section 95 (c), Ord. No. 0158-05, s. 2005 “2005 Revenue Code of Davao City”

²⁶¹ Section 92, *Ibid.*

1. An application stating therein the name of the cockpit
2. A copy of the location and vicinity plan of the cockpit
3. A copy of the cockpit building plan / design
4. A certified copy of the Mayor's Permit / License
5. A copy of the Sanitary Permit / Clearance
6. A xerox copy / copies of official receipt of payments
7. Two (2) perspective photographs of the cockpit, and
8. A list of all duly licensed personnel and copy of their respective licenses.

III. Cockfighting Days: ²⁶²

A. Holding of Cockfight - Except as provided in this Article, cockfighting shall be allowed in this City only in licensed cockpits during Sundays and Legal Holidays, and during local fiestas for not more than five (5) days. It may also be held during City agricultural, commercial or industrial fairs, carnivals or expositions for a similar period upon resolution of the Sangguniang Panlungsod. No cockfighting on the occasion of such affair, carnival or exposition shall be allowed within the month if a local fiesta or for more than two (2) occasions a year. No cockfighting shall be held on December 30 (Rizal Day), June 12 (Philippine Independence Day), November 30 (National Heroes Day), Holy Thursday, Good Friday, Election and Referendum Day and during Registration Days for such election or referendum.

B. Cockfighting for Entertainment of Tourists or for Charitable purposes - Subject to the preceding subsection hereof, the holding of cockfights may also be allowed for the entertainment of foreign dignitaries or tourists, or for returning Filipinos, commonly known as "Balikbayans" or for the support of national fund-raising campaigns for charitable purposes as may be authorized upon resolution of the Sangguniang Panlungsod, in licensed cockpits or in playgrounds or parks. This privilege shall be extended once for a period not exceeding three (3) days, within a year.

Section 5. Administrative Provisions. ²⁶³

1. Special Permits may be issued only under circumstances enumerated in this Article. Provided, that derbies and cockfighting covered by these permits shall be held only on days other than Sundays and Legal Holidays.
2. Every application shall be signed by the owner/operator or licensee of the cockpit where such special cockfights are to be held, and countersigned by the promoter or a representative of the beneficiary, to be supported with the necessary documents, as follows:

²⁶² Section 101, paragraphs a & b, *Ibid.*

²⁶³ Section 100, paragraphs a, b & c, *Ibid.*

- a) A copy of Presidential or Mayor's Proclamation authorizing the fund-raising campaign;
 - b) Letter request of the beneficiary to the cockpit owner, operator or licensee to stage special cockfights in a particular cockpit;
 - c) Resolution of the Sangguniang Panlungsod during official town fiestas and agricultural, industrial or commercial fairs, carnivals or expositions;
 - d) Resolution of the Sangguniang Panlungsod for the support of national fund-raising campaign for charitable or other purposes as may be authorized by the Office of the President or the City Mayor.
 - e) No international cockfight derby may be held without an approved resolution from the Sangguniang Panlungsod authorizing the promotion of not more than eight (8) international cockfight derbies every year in Davao City, for the support of national fund-raising campaigns as may be authorized by the Office of the President, upon application of duly qualified promoters and countersigned by the owner/operator or licensee of the cockpit. Such application shall be filed at least sixty (60) days before the scheduled international cockfight derby.
3. Every application for an international cockfight derby shall be supported with the following documents;
- a) A copy of the Proclamation authorizing the fund-raising campaign:
 - b) Letter request from the beneficiary for the holding of an international derby in a particular cockpit; and
 - c) A list of expected foreign and local participants.

Section 6. Registration of Breeders. All breeders of gamefowl are required to register with the City Agriculturist. The City Agriculturist shall furnish the Office of the City Mayor, copy furnish the Sangguniang Panlungsod, with a complete record of duly registered breeders. ²⁶⁴

Section 7. Amusement Tax on Admission.

- a) Imposition of Tax - There is being levied and imposed upon the proprietor, lessee operator or promoter of cockpits that charge admission or entrance fees, within the territorial jurisdiction of the City of Davao, a tax on admission fee in addition to the taxes and fees imposed under this Article.
- b) Exemption - The tax herein imposed shall not apply in the following cases, provided that exemption should first be obtained for this purpose through an approved resolution of the Sangguniang Panlungsod, upon recommendation of

²⁶⁴ Section 4 , Ord. No. 5003, s. 1997, known as the "Cockfighting Code of Davao City"

the City Treasurer: ²⁶⁵

1. Where the admission fees are collected for and in behalf of charitable, educational or religious institutions or associations who are declared by law or presidential proclamation as exempted from the payment of amusement tax, provided, further, that such exhibition, show, performance and the like shall be limited to five (5) days only in a calendar year.

2. Provided, further, that said exemptions shall be applicable only to the share of the sponsoring exempt institutions or organizations as aforementioned. However, the remaining proceeds, including those accruing to the promoter, shall be subject to the payment of amusement tax in accordance with the prescribed rates.

The City Treasurer shall promulgate rules and regulations necessary for the effective implementation of the provisions of paragraph (b) of this section, subject to the approval of the City Mayor.

c) Time of Payment - The taxes herein imposed shall be collected as part and not in addition to the price of admission tickets at the time patrons or customers are admitted to the amusement places or establishments.

The taxes herein imposed shall be due and payable within the first five (5) days of the month next following that for which they are due, by the proprietor, lessee, operator and promoter, and such taxes to be determined on the basis of a true and complete return of the amount of gross receipts derived during the preceding month. If the tax is not paid within the time herein fixed, the taxpayer shall be subject to such surcharges, interest and penalties prescribed by this Article.

Section 8. Remittance of Tax Surcharge for Late Remittance. The proprietor, lessee, operator, or promoter of cockpits shall withhold the amusement tax on admission.

The amusement tax withheld shall be remitted to the City Treasurer within the first five (5) days of the month, following each month. The proprietor, lessee, operator, or promoter concerned shall make a complete return of the gross receipts derived during the preceding month which shall be the basis for determining the tax due.

Failure to pay the tax within the time fixed herein shall render those concerned liable to a surcharge of twenty five percent (25%) of the original amount plus an interest at the rate of fourteen percent (14%) per annum on the amount due until the same is fully paid. In case of willful neglect to file the return and pay the tax within the time required, or in case of fraudulent return or if a false return is willfully made, the taxpayer shall be subject to a surcharge of fifty percent (50%) of the correct tax due plus fourteen percent (14%) interest per annum from due date until the same is fully paid.

Section 9. Tickets use as basis in paying the tax. Tickets will be used for collecting the amusement tax imposed in this Article. Operators of cockpits shall keep a notice in big legible letters or numbers posted in a conspicuous place in front of the ticket booths showing the total admission price, which will include as part thereof the

²⁶⁵ Section 6 (b), *Ibid.*

City amusement taxes corresponding to each kind of ticket.

Section 10. Form of tickets, their registration. Every proprietor, lessee operator or promoter of cockpit shall provide tickets which shall be serially numbered, indicating therein the name of the amusement place and the fee subject for admission. All tickets to be used whether regular, special or complimentary or employee's pass shall be presented to the Office of the City Treasurer for registration.

Whenever there is change in the admission fee after registration, a notice to that effect shall be registered with the City Treasurer and be conspicuously posted in the place of business for the information of the public. Tickets presented at the gate or entrance shall be cut into three parts, the first part shall be returned to the customer, the 2nd part to be retained by the management, and the third part shall be dropped in the CTO drop box, supplied by the [City Treasurer](#). The three (3) parts of the ticket shall bear the same number. Sub-numbering of such tickets and use of slugs and other substitutes for the admission tickets are strictly prohibited.

Section 11. Verification and Inspection of Cockpits. The City Treasurer shall post an employee at the gate of cockpits for the purpose of verifying all tickets being sold thereat.

Section 12. Registration of Cockfighting Official. The following cockfighting officials are required to register with the Business Bureau, City Mayor's Office.

1. Promoters
2. Cockpit Managers
3. Referees (Sentenciadores)
4. Bet - Takers (Kristos)
5. [Bet Managers](#) (Kasadors)
6. Gaffers (Mananari)

Section 13. Licensing of Cockfighting Officials. Promoters, cockpit managers, referees, bet-takers, bet-managers, or gaffers shall not act as such in any authorized cockfighting without first securing a license renewable every year on their birth months from the City Mayor and the corresponding taxes, fees, and charges paid to the City Treasurer, in accordance with this Article, Only licensed cockfighting officials shall officiate in all kinds of cockfighting authorized in this Article. ²⁶⁶

Section 14. Imposition of Fees. There shall be collected the following Mayor's Permit Fees from cockpit operators/owners/licensees and cockpit personnel: ²⁶⁷

(a) From the owner/operator/licensee of the cockpit:

- | | |
|--|-----------|
| 1. Application Filing Fee | P100.00 |
| 2. Annual Cockpit Permit Fee | |
| a). In the Poblacion, Talomo, Agdao & Buhangin | P3,000.00 |
| b). Toril, Tugbok, Calinan and Bunawan | P1,500.00 |

²⁶⁶ Section 8, *Ibid.*

²⁶⁷ Sec. 91 (a & b) and Sec. 97 (a & b), Ord. No. 0158-05 known as "2005 Revenue Code of Davao City", as amended by Ord. No. 084-03

	c). In other districts	P1,000.00
(b)	From Cockpit Personnel	
	1. Promoters/Hosts	P500.00
	2. Pit Manager	P200.00
	3. Referee	P200.00
	4. Bet Taker “Kristo/Llamador”	P100.00
	5. Bet Manager “Maciador/Kasador”	P200.00
	6. Gaffer “Mananari”	P100.00
	7. Cashier	P200.00
	8. Derby (Matchmaker)	P200.00
	9. Handler	P200.00
(c)	Special Permit Fees:	
	(1) Special Cockfights (Pintakasi)	
	First three (3) days	P1,500.00
	Succeeding days	P1,000.00/day
	(2) International Derby (<i>Ord. No. 084-03</i>)	
	First three (3) days	P5,000.00
	Succeeding days	P1,000.00/day
(d)	Fee for promoter of each derby:	
	(1) Two-Cock Derby	P 500.00
	(2) Three-Cock Derby	P1,000.00
	(3) Four-Cock Derby	P1,500.00
	(4) Five-Cock Derby	P2,000.00
	(5) More than five-cock derby	P6,000.00
(e)	For Special Derby Assessment (<i>Ord. No. 5003, s. 1997</i>)	
	(1) for every winning cock	P50.00
(f)	Filing fee for all complaints, petitions and/or application for proper equitable relief provided for in this Article (<i>Ord. No. 5003, s. 1997</i>)	P500.00

Section 15. Anti-Fraud Measures. All persons involved in cockfighting and in the operation of cockpits, including, among others, the owner or operator of cockpits, the cockpit officials, the cockers (aficionados) and government officers involved in the issuance of permits or licenses and the inspection of cockpits, must observe outmost honesty, fair play, good faith and peace and order.

Section 16. Complaints and Protest. The Legal Officer shall take cognizance of complaints and protests relative to the operation and management of cockpits or the conduct of cockfights, and violations of this Article, which complaints and protests must be in writing and under oath. The City Legal Office shall prescribe the rules and procedures governing such cases, subject to the approval of the City Mayor.

Section 17. Supplementary Rules. In all cases not covered herein, the Rules and Regulations of the Philippine Gamefowl Commission, adopted on June 1, 1981, the provisions of P.D. 1802 and other amendment, affecting cockpits, cockfighting, and

cockpits personnel, and P.D. 449 (Cockfighting Law of 1974) as amended, shall govern.

Section 18. Penalty. Any violation of this Article shall be penalized by a fine not exceeding the amount of P2,000.00 or an imprisonment of not more than one (1) year or both at the discretion of the court, and the violator's cock, hens and eggs, and all bets involved in the unlawful activity shall be confiscated in favor of the City Government, turned over to the City Agriculturist and shall be disposed of by the City Mayor in the manner provided by law, rules and regulations. ²⁶⁸

Article B. Operation of Video Game Machines in Davao City

Section 19. Regulated Acts. No person shall be allowed to engage in the business of offering the use of video games such as, but not limited to, "family computers", "Atari" and/or other similar video contrivances to the public for a fee, without first securing a permit from the Office of the City Mayor. ²⁶⁹

Section 20. Prohibited Acts. ²⁷⁰

a) No person shall be allowed to establish, maintain and/or operate video game machines for commercial purposes within a distance of one hundred (100) lineal meters from the gate of any elementary and secondary school. Existing video game establishments which are within the one hundred (100) lineal meter distance from the gate of any elementary or secondary school shall be required to transfer their establishment to other places within a period of sixty (60) days from the effectivity of this Article.

b). Children from 6 to 17 years of age shall not be allowed inside video game establishments from 7:00 o'clock in the morning up to 5:00 o'clock in the afternoon during school days.

Section 21. Definition of Terms. As used in this Article, the following terms shall mean:

Person - it shall mean both natural and juridical persons engaged in the business of offering the use of video games such as, but not limited to, "family computer", "Atari" and other similar contrivances to the public for a fee.

Video Game Machine - includes any machine, device or contrivance whereby the user, customer or player has to drop a coin, token or slug representing money of any denomination in order to have a chance to play. It may also include payment of certain amount of money in order to have a chance to play.

Section 22. Rules and Regulations. ²⁷¹

a) Video game establishments shall be required to issue admission tickets with serial numbers indicating therein the name of the establishment and the admission price, which shall be registered with the City Treasurer's Office.

²⁶⁸ Section 13, Ord. No. 5003, s. 1997, "Cockfighting Code of Davao City"

²⁶⁹ Section 3, Ord. No. 51, s. 1989 "Regulating the Operation of Video Game Machines for commercial purposes"

²⁷⁰ Sections 4 & 5, *Ibid.*

²⁷¹ Section 6, *Ibid.*

b) Video game machine establishments are likewise required to put up, install and/or establish anti-radiation devices on their units.

Section 23. Penalty. Any person who violates any of the provision of this Article shall upon conviction suffer a mandatory penalty of six (6) months imprisonment or a fine of not more than One Thousand Pesos (P1,000.00) or both such fine and imprisonment upon the discretion of the court. Should the offense be committed by a juridical person, the Chairman, President, Directors, partners or manager responsible, shall be the persons to be held responsible. ²⁷²

Article C. Operation of Billiard or Pool Hall and Bowling Alley

Section 24. Regulated Acts.

- a) No person shall conduct or operate a billiard or pool hall, or a bowling alley, where persons are permitted to play on a compensation or for hire basis, without first securing a permit from the City Mayor and paying the license fees for such purpose to the City Treasurer. ²⁷³
- b) No intoxicating liquor of any kind except beer shall be sold within the premises of any billiard or pool hall, or bowling alley, neither shall any firearm or any deadly weapon be permitted to be carried within the premises thereof, except by peace officers while in the performance of official duties. ²⁷⁴

Section 25. Prohibited Acts. ²⁷⁵

- a. No billiard or pool hall or bowling alley shall be allowed to be maintained or operated within a radius of fifty (50) lineal meters from any public school, public library, church and hospital.
- b. No person conducting or operating billiard or pool hall shall admit minors less than sixteen (16) years of age to participate in any game therein; and in the case of bowling alleys, minors under twelve (12) years of age shall not be allowed to participate in any game therein.
- c. Minors are hereby banned from playing billiards and other forms of gambling within the established school perimeters in the City of Davao.

Section 26. Rules and Regulations. Billiard or pool halls and bowling alleys shall be open to the public, only from 8:00 o'clock a.m. up to 12:00 o'clock midnight daily; Provided, however, that on Christmas Eve and New Year's Eve and on Saturdays, Sundays and days preceding official holidays, and town fiesta, billiard or pool halls or bowling alleys may be open until 2:00 o'clock in the morning of the following day. ²⁷⁶

Provided, further, that any bowling alley located in any residential section of the

²⁷² Section 8 , *Ibid.*

²⁷³ Section 1, Ord. No. 998, s. 1974 "Regulating the Establishment, Maintenance and Operation of Billiard and Pool Halls and Bowling Alleys"

²⁷⁴ Section 5, *Ibid.*

²⁷⁵ Sections 2 & 4, *Ibid.*

²⁷⁶ Section 3, *Ibid.*

City shall not be permitted to operate after 11:00 o'clock in the evening.

Section 27. Complaints. Any person who believes that a billiard or pool hall or a bowling alley is established or located in any place not authorized or is not operating or conducting said establishment in accordance with the provisions of this Article may file a protest with the City Mayor who is hereby authorized after proper investigation to decide the case or cancel the permit and license issued to the establishment.

Section 28. Administrative Provisions. It shall be the duty of the operator or the concessionaire of any billiard or pool hall or bowling alley to see to it that the rules and regulations herein promulgated are properly observed, and that peace and order is maintained at all times within the premises of the establishment.

Section 29. Penalty. Any violation of this Article shall subject the violators, both the minors and the operators of billiard dens or gambling establishments to a fine of Two Thousand (P2,000.00) Pesos or imprisonment of three (3) months or both at the discretion of the court. ²⁷⁷

In case the business establishment is operated by a corporation, partnership or association, the President or General Manager of such establishment shall be held liable and shall suffer the penalty imposed herein.

The City Mayor shall revoke any permit or license granted under this Article upon satisfactory evidence that gambling or playing of any prohibited game has taken place within the premises of any billiard or pool hall, or bowling alley. Any violation of the rules and regulations shall likewise be a sufficient cause for the revocation by the City Mayor of the permit granted and forfeiture of the license issued. Such revocation shall forfeit to the City all sums paid therefore. ²⁷⁸

Article D. Operation of Juke Boxes within the Public Markets

Section 30. Prohibited Act. It shall be unlawful for any person or persons, natural or juridical, to operate juke boxes inside public markets in the City of Davao. ²⁷⁹

Section 31. Penalty. Any person, company, corporation or establishment violating this Article shall be punished by a fine of not less than Twenty Pesos (P20.00), but not more than Two Hundred Pesos (P200.00) or by an imprisonment of not less than three (3) months or both, such fine and imprisonment at the discretion of the court.

Article E. Operation of Movie Houses and/or Theaters within the City Of Davao

²⁷⁷ Sections 2 & 3, Ord. No. 2077, s. 1994 "Banning minors from playing billiards and other forms of gambling within school perimeter"

²⁷⁸ Section 8, Ord. No. 998, s. 1974 "Regulating the Establishment, Maintenance and Operation of Billiard and Pool Halls and Bowling Alleys"

²⁷⁹ Sections 1 & 2, Ord. No. 1710-A, s. 1975 "Banning and/or Prohibiting the Operation of Juke Boxes within the city public markets"

Section 32. Rules and Regulations. ²⁸⁰

1. All owners and/or operators of theaters and/or movie houses within the City of Davao are required to submit to the Offices of the City Mayor, the Secretary of the Council and the Chief of Police, all of this City, the seating capacity in the orchestra, balcony and lodge, respectively, of their theaters and/or movie houses.
2. All operators and/or owners of theaters and/or movie houses shall in no case allow moviegoers and/or patrons to stand in the space between the last row of seats in the theater and the wall opposite the screen, in excess of three (3) people per square meter or space in the area.
3. In no case shall it be permitted to let people stand on the aisles in between the rows of seats or center aisles in the said theater and/or movie house, provided, however, that along the aisles adjacent to the side walls of the theater, a single line of patrons or movie-goers may be allowed to stand near the adjacent wall, Provided, further, that a sign expressly stating that such single line only is allowed shall be conspicuously posted by the theater owner on the side walls of said theater.
4. All owners and/or operators of theaters and/or movie houses are required to employ two (2) uniformed ushers, one (1) assigned for the orchestra and the other for the balcony and lodge, to guide moviegoers and patrons to their seats and to see to it that the provisions of this Article are complied with.
5. All operators and/or owners of theaters and/or movie houses are required to post a "STANDING ROOM ONLY" sign at its ticket booth during the time that the said theater or movie house has sold out tickets in excess of its seating capacity.

Section 33. Penalty. Any owner and/or operators of theater and/or movie house found violating this Article or any of the provision hereof, shall be subject to a fine of not less than Fifty pesos (P50.00) but not exceeding Two Hundred Pesos (P200.00) or an imprisonment of not less than six (6) days but not more than fifteen (15) days or both, at the discretion of the Court. Provided, further, that violations of this Article or any of the provisions thereof by any owner and/or operator for the third time shall constitute a ground for the cancellation of the business permit issued to theater and/or movie house. ²⁸¹

**Article F. Regulating the Public Showing of Films
And Videos in Public Establishments**

Section 34. Regulated Act. The public exhibition of motion pictures, tapes or films, which have not been previously approved and stamped by the Movie, Television Review and Classification Board (MTRCB) in establishments such as restaurants,

²⁸⁰ Sections 1 to 4, Ord. No. 1003, s.1974 "Regulating the seating capacity of theaters and/or movie houses and requiring the employment of ushers by the owners/operators"

²⁸¹ Section 5, *Ibid.*

cocktail lounges, pub houses and the like is prohibited. ²⁸²

Section 35. Penalty. Any person or persons found violating the provisions of this Article shall suffer the following penalties:

- a.) First Offense - a fine of P100.00
- b.) Second Offense - a fine of P200.00 and/or imprisonment for a period not exceeding one (1) month
- c.) Third Offense - a fine of P200.00 and imprisonment for one (1) month including the cancellation of business permits

In case of a corporation, partnership or association, the general manager and/or president shall be held liable.

Article G. Anti-Cable Antennae Televisions (CATV) and Cable Internet Service Provider (ISP) Signal and Equipment Pilferage

Section 36. Declaration of Policy. It is the policy of the City Government of Davao to protect the rights, welfare and interest of legal CATV operators and Cable ISPs to assure and ensure their continued viability to investors and law-abiding taxpayers in the City; ²⁸³

Moreover, it is also the policy of the City Government to protect these lawful service providers and operators against the unauthorized use, interception, or reception of unlawful CATV and Cable Internet subscribers, primarily local residents and individuals operating by means of unauthorized cable installations, access devices, and connections.

Section 37. Scope and Applicability. This Article shall be applicable to all local residents and individuals operating by means of unauthorized cable installations, access devices, and connections of CATV and Cable Internet within the territorial jurisdiction of the City of Davao.

Section 38. Definition of Terms. ²⁸⁴

CABLE TELEVISION MAIN TRUNK LINES

a) Coaxial Cable for Main Trunk Lines - refers to the cable used in transmitting high frequency electrical signals with low losses. It is composed of an internal conducting wire surrounded by an insulating dielectric, which is further protected by a metal shield. The center wire is surrounded by a piece of insulation and grounded shield of braided wire. This shield minimizes electrical and radio frequency interference.

²⁸² Sections 1 & 2, Ord. No. 381, s. 1982 “Regulating the public showing of movie films, tapes or betamax films in public establishments in Davao City”

²⁸³ Section 2, Ord. No. 0199-06, s. 2006 “Anti-Cable Antennae Television (CATV) & Cable Internet Service Provider (ISP) Signal & Equipment Pilferage Ordinance”

²⁸⁴ Section 4, *Ibid.*

b) Fiber Optics - refers to the cable containing 4 to 12 loose hair-thin glass tubes filled with a jelly-like compound to provide water-blocking characteristics that retard water migration, which, if not checked, can adversely affect signal performance.

c) Splice Closure - refers to the equipment designed for protecting, from any damage, straight and branch connections of coaxial and/or fiber optic cables in the system.

d) Trunk Amplifiers - refers to the device used to increase the signal power and to transport the same signal over long distances.

e) Power Supply - refers to the equipment designed to provide a fully clean and regulated output voltage as well as a surge and short-circuit protection to the system.

CABLE TELEVISION DISTRIBUTION LINES

f) Coaxial Cable for Distribution Lines - refers to the cable used in transmitting high frequency electrical signals with low losses. It is composed of an internal conducting wire surrounded by an insulating dielectric, which is further protected by a metal shield. The center wire is surrounded by a piece of insulation and grounded shield of braided wire. This shield minimizes electrical and radio frequency interference.

g) Line Extenders - refers to the active apparatus that recovers signals from the [trunk amplifiers](#) and boosts the strength of the signal prior to its delivery to the end-user.

h) Line Splitters - refers to the device that divides a signal into two or more lower power signals containing all of the original information.

i) Taps - refers to the device that channels a specific amount of signal out of the distribution system to a subscriber or subscribers.

CABLE TELEVISION DROP LINES

j) Coaxial Cable for Drop Lines - refers to the cable used in transmitting high frequency electrical signals with low losses. It is composed of an internal conducting wire surrounded by an insulating dielectric, which is further protected by a metal shield. The center wire is surrounded by a piece of insulation and grounded shield of braided wire. This shield minimizes electrical and radio frequency interference.

k) Indoor Splitters - refers to the device primarily in CATV connections that send the signal to the household or indoor television set. In the case of passive splitters, these types of devices do not require any power to split a signal two to four times.

l) Ground System - refers to the electrically connected systems of cable conductors and conductive elements that provide current paths to the earth. The facility ground system includes the subsystems on earth electrode, lightning protection, and signal reference, as well as the building structures, cable equipment racks, cabinets, conduits, junction boxes, raceways, duct works, pipes, towers, other antenna support, and other normally non-current carrying metallic elements.

CABLE INTERNET

m) Digital Subscriber Lines (DSL) - a very high-speed internet connection

equipped with a modem that uses the same wires as a regular telephone line. DSL doesn't necessarily require new wiring, as it can use the phone that a user already has. A user can leave his/her internet connection open and still use the phone line for voice calls.

n) Modem - contracted from the word "modulator-demodulator", this equipment is typically used to send digital data over a phone line. The sending modem modulates the data into a signal that is compatible with the phone line, and the receiving modem demodulates the signal back into digital data. Wireless modems convert digital data into radio signals and back.

Section 39. Prohibited Acts. Pilferage of CATV and Cable ISP signals and equipment as stated in this Article shall include the following intentional acts: ²⁸⁵

(1) Unauthorized tapping of the Main Trunk, Distribution, and/or Digital Subscriber Lines in Cable Internet resulting to the interruption in the delivery of the cable signal within the system;

(2) Unauthorized physical damaging/tampering of any Main Trunk, Distribution, and/or Drop Lines in CATV and of the DSL and Modem in Cable Internet by an individual or individuals causing cable signal leakages and/or degradation within the system;

(3) Illegal splitting into the system within the neighborhood; and

(4) Any other act resulting to prejudice, damage, or disturbance to the CATV and Cable ISP equipment as defined in Section 38;

Section 40. Penalty. Any individual who knowingly and wilfully violates any of the provisions of this Article or commits any of the prohibited acts as enumerated in Section 39 shall be punishable as follows: ²⁸⁶

(1) For the first offense, a violator shall pay a fine not exceeding P1,000 and/or suffer an imprisonment of not more than one (1) month, at the discretion of the Court;

(2) For the second offense, a violator shall pay a fine not exceeding P3,000 and/or suffer an imprisonment of not more than (3) months, at the discretion of the Court;

(3) For the third and succeeding offenses, a violator shall pay a fine not exceeding P5,000 and/or suffer an imprisonment of not more than six (6) months or both fine and imprisonment at the discretion of the Court;

In the case of corporation, the officers of such corporation shall be held liable.

²⁸⁵ Section 5, *Ibid.*

²⁸⁶ Section 6, Ord. No. 0199-06, s. 2006 "The Anti-Cable Antennae Television (CATV) & Cable Internet Service Provider (ISP) Signal & Equipment Pilferage Ordinance"

Other Related Code or Ordinance

COCKFIGHTING CODE OF DAVAO CITY
(Ordinance No. 5003, series of 1997)

CHAPTER XII

MISCELLANEOUS PROVISIONS

Article A. Official Song

Section 1. Declaration of Policy. The song “Tayo ay Dabawenyo”, with music arranged by Mr. Guillermo B. Anajao of Sta. Ana Elementary School, Davao City and the lyrics by Pedro O. Sanvicente, then Superintendent of City Schools, is hereby declared as the official song of the City of Davao, of which lyrics are as follows: ²⁸⁷

“Sa dakong timog ng Mindanaw
May isang lungsod na hinirang
Ang likas niyang kayamanan
Ay walang kapantay

Mga bundok, dagat, lupain
Laging sagana sa pagkain
At ang magagandang tanawin
Kadluan ng aliw.

Mutyang lungsod ng Dabaw
Sa iyong paglalakbay
Sa mithing kaunlaran
Ikaw ay paglilingkuran

Tayo ay Dabawenyo
Na tapat at totoo
Pangarap ay matamo
Kaluwalhatian mo
Lungsod ng paraiso”

Section 2. *Playing of Tayo ay Dabawenyo.* The song “Tayo ay Dabawenyo” shall be sung in all official ceremonies in the City of Davao, such as convocations, programs, sign-on and sign-off spiels of local broadcast facilities, cinema houses and the like, and during public and private schools activities. ²⁸⁸

Section 3. *Penalty.* Any person, firm or corporation violating any provision of this Article shall upon conviction be punished for such violations as follows:

- a. A fine of up to Two Hundred Pesos (₱ 200.00) or imprisonment of not less than five (5) days or both upon the discretion of the court;**
- b. A fine of up to Four Hundred Pesos (₱ 400.00) or imprisonment of not less than ten (10) days or both upon the discretion of the court on the second instance;**
- c. A fine of up to Six Hundred Pesos (₱ 600.00) or imprisonment of not less than thirty (30) days or both upon the discretion of the court on the subsequent instance.** ²⁸⁹

²⁸⁷ Section 1, Ord. No. 110, s. 1970 “Prescribing the song “Tayo Ay Dabawenyo” as the official song of Davao City”

²⁸⁸ Section 3, Ord. No. 0170-03, s. 2003 “Amending Ordinance No. 110, series of 1970”

²⁸⁹ Section 4, Ord. No. 0170-03, s. 2003 “Amending Ord. 110, s. 1970, Prescribing the song “Tayo Ay Dabawenyo” as the official song of Davao City”

Article B. Special Holidays

Section 4. *Declaration of Policy.*

Prescribing the special holidays in Davao City:

- a. **March 16 of every year, to be known as “Araw ng Dabaw”.** ²⁹⁰
- b. **June 29 of every year, as the town fiesta, in honor of St. Peter.** ²⁹¹

Article C. Special Days

Section 5. *Declaration of Policy.* **Prescribing every 3rd week of September of each year as “Linggo ng Kasuotang Filipino”.** ²⁹²

Article D. Sangguniang Panlungsod Building

Section 6. *Declaration of Policy.* **The Sangguniang Panlungsod Building is prescribed as a tourist spot in Davao City.** ²⁹³

Article E. Freedom Park

Section 7. Declaration of Policy. Establishing “Freedom Park”, a site for the people of Davao City to assemble peacefully to air their grievances against the government or any person or entity without securing a permit from the City Government subject however to certain conditions set forth in Section 10 hereof. ²⁹⁴

Section 8. Location. Fronting the Davao City Post Office and the Boy Scout of the Philippines, bounded by C.M. Recto Avenue, R. Magsaysay Avenue and Ponciano Reyes Street.

Section 9. Rules & Regulations. ²⁹⁵

²⁹⁰ R.A. 7685 dated Feb. 23, 1994 “Declaring March 16 of every year a Special Non-working Public Holiday in Davao City, to be known as “Araw Ng Dabaw”

²⁹¹ Section 1, Ord. No. 137, s. 1961 “Declaring June 29 of every year a special public holiday in celebration of the town fiesta”

²⁹² Section 1, Ord. No. 4549, s. 1997 “Declaring every 3rd week of September of each year as Linggo ng Kasuotang Filipino”

²⁹³ Section 1, Ord. No. 3518-B, s. 1995 “Declaring the newly-constructed Sangguniang Panlungsod Building as a tourist spot in Davao City”

²⁹⁴ Section 3, Ord. No. 23, s. 1985 “Establishing the Freedom Park as site for the people of Davao City to assemble peacefully”

²⁹⁵ Section 3, paragraphs “a” to” d”, *Ibid.*

- a. That they shall inform the office of the City Mayor of the name of the person, the organization, group or party and its officers including the time and date of use;
- b. That they shall police their own rank and file and maintain peace and order within the site;
- c. That they shall not obstruct nor block traffic along C.M. Recto, R. Magsaysay Avenue and P. Reyes St., bounding the area;
- d. That the City of Davao nor any of its officers or agents shall not be held liable nor responsible for any criminal act acts that may be committed by those who participate in the use of the “Freedom Park”.

Article F. Requiring Schools to post their accreditation and their corresponding accredited programs and courses in the Registrar’s Office and in conspicuous places within the campus

Section 10. Declaration of Policy. Section 2 of Article II of the 1987 Constitution provides that “the State adopts and implements a policy of full public disclosure of all its transactions involving public interest”.

Section 11. Definition of Terms. ²⁹⁶

- a. CONSPICUOUS PLACES – refers to places within the school campus accessible to the public such as, but not limited to, Admission Office, Office of Students Affairs and the like
- b. FINE – administrative fee imposed as sanction for violation of any provision of this Article.
- c. GOVERNMENT PERMIT – the authority granted by the government to an educational private corporation/entity to operate educational program after meeting the minimum requirements/standards set by the government. The permit shall cover a period of one (1) school year and may be renewed every year.
- d. GOVERNMENT RECOGNITION – the recognition granted by government to schools based on their satisfactory operation during the school year, without any deficiency in instruction, administration and/or management and in full compliance with the prescribed requirements of the course. The recognition is issued once but subject to revocation.
- e. MAYOR’S PERMIT – a right or permission granted in accordance with law by the City Mayor’s Office to engage in some business or occupation or to engage in some transactions

²⁹⁶ Section 3, Ord. No. 069-05, s. 2005 “Requiring private & public schools in all levels to post their government recognition, TESDA program registration permits, accreditation certificates, etc. and their corresponding accredited programs & courses in the Registrar’s Office & in conspicuous places within the school campus”

- PROGRAM ACCREDITATION – a voluntary process of institutional quality assurance whereby an institution installs quality management system in its operation and shall be assessed by qualified assessors to determine levels of recognition
- f.

- SCHOOL – an educational institution, private or public, undertaking educational operations with an organized group of pupils or students pursuing defined studies at defined levels, receiving instructions from teachers, usually located in a building or group of buildings in a particular site specially intended for educational purposes whether a corporation, partnership, foundations and the like
- g.

- TESDA PROGRAM REGISTRATION – the compulsory compliance with the minimum requirements prescribed in Training Regulations and anchored on competency-based system. It prescribes full compliance with prevailing training standards, correction of sub-standard ones and denial of registration for those who fail to comply. An integral part of the registration is the Monitoring of Registered Program for continuous compliance to standard.
- h.

Section 12. Scope and Applicability. The provisions of this Article shall be applicable to all state and private schools, colleges and universities within the entire territory and jurisdiction of the City of Davao. ²⁹⁷

Section 13. General Provisions. All state and private schools, colleges and universities are mandated and required, by reason of this Article, to post their accreditation and their government recognition, TESDA Program Registration, permits and accreditation certificates and such other equivalent documents in all levels, both private and public, and their corresponding programs and courses in the Registrar's Office and conspicuous places within the school campus.

Section 14. Penalty. Any state and private school, college or university who shall violate the provisions of this Article shall be subject to: ²⁹⁸

- a. a fine of P3,000.00 on the 1st offense;
- b. a fine of P4,000.00 and a warning of revocation of Mayor's permit on the 2nd offense;
- c. a fine of up to P5,000.00 and revocation of Mayor's permit on the subsequent offense.

Article G. Establishing the Museo Dabawenyo, providing for its permanent home and for other purposes

Section 15. Declaration of Policy. It is the policy of the state to pursue and support the cultural development of the Filipino people, through the preservation,

²⁹⁷ Section 4, *Ibid.*

²⁹⁸ Section 6, *Ibid.*

enrichment and dynamic evolution of Filipino national culture, based on the principle of unity in diversity in a climate of free artistic and intellectual expression.

Section 16. Establishment of the Museum. The Davao City Museum shall be known by the name of “Museo Dabawenyo” and shall have perpetual succession with the powers, limitations, and restrictions hereafter contained and no other; ²⁹⁹

The Museo Dabawenyo, herein referred to as “Museum”, shall be a permanent institution in the service of the community and its development, accessible to the public, and not intended for profit. It shall obtain, keep, study and present material evidence of people and their environment. The Museum shall inform the general public about these activities for the purpose of study, education and entertainment;

The primary mission of the Museo Dabawenyo shall be to acquire documents, historical artifacts, preserve, exhibit, and foster scholarly study and appreciation of works of arts, specimens and cultural and historical artifacts pertaining to Davao’s history, culture and arts.

Section 17. Permanent Home. The old Court of First Instance Building on A. Pichon, Sr. Street shall be the permanent and exclusive site of the Museo Dabawenyo, as per recommendation of the City Planning and Development Office and as concurred by the Office of the City Mayor without prejudice to the establishment of other buildings in other places for the same purpose. ³⁰⁰

Section 18. Objectives. The Museo Dabawenyo shall have the following objectives: ³⁰¹

- a. As an educational institution, the Museum shall take the lead in disseminating knowledge of Dabawenyo cultural and historical heritage and developing a corps of professional personnel knowledgeable about the preservation, enrichment and dynamic evaluation of the Dabawenyo culture;
- b. As a cultural center, the Museum shall take the lead in the study and preservation of the City’s rich artistic, and cultural heritage, in the reconstruction and rebuilding of our past, and the development of the City’s cultural wealth.

Section 19. Duties and Functions. The Museo Dabawenyo shall have the following duties and functions: ³⁰²

- a. Acquire documents, collect, preserve, maintain, administer and exhibit to the public, historical, cultural materials, objects of art, archeological artifacts, ecofacts, relics and other materials embodying the cultural and natural heritage of the Dabawenyo, as well as those of foreign origin.

²⁹⁹ Section 3, Ord. No. 0266-06, s. 2006 “Establishing the Museo Dabawenyo, providing for its permanent home and for other purposes”

³⁰⁰ Section 4, *Ibid.*

³⁰¹ Section 5, *Ibid.*

³⁰² Section 6, *Ibid.*

Materials relevant to the recent history of the City shall be likewise acquired, collected, preserved, maintained, advertised and exhibited by the Museum;

- b. Conduct researches, archeological and scientific, on endemic flora and fauna; collect, preserve, identify and exhibit to the public systematically all types of plants and animals found in Davao, prepare for publication manuscripts and scientific papers on them and maintain a reference collection on such subjects as soon as time and budget allow;
- c. Document all objects held by the Davao City Museum in its collections or borrowed by the Museum, by registering them in an inventory and cataloguing them, and manage any movement of the collections both within the Museum and elsewhere in such a way that the Museum is able to locate any object in the collections at any time, initially on paper records, but to be converted to computerized records on a professional museum documentation system as soon as time and budget allow;
- d. Collect, preserve, restore and exhibit to the public objects of arts;
- e. Carry out researches among different peoples of Davao City to define the ethnography of each group, to establish the ethnology and to document for posterity and exhibit to the public their traditional and existing cultures, practices and artistic forms expressive of their culture;
- f. Plan and organize library services, guided tours, lectures, seminars, symposia or workshops, subject to the availability of funds;
- g. Secure and receive bilateral and international grants and endowments to support its programs/projects;
- h. Develop and implement consortium agreements and linkages with institutions of higher learning, other regional, provincial, city and/or local museums and other organizations engaged in similar researches.

Section 20. Museo Dabawenyo Advisory Board. The business of the Museum shall be conducted by a Museo Dabawenyo Advisory Board to be composed of the following: ³⁰³

Chairperson - City Mayor
Vice Chairperson - Schools Division Superintendent of the Department of Education

Members:

- Chairpersons of the Committee on Education and Committee on Tourism
- Chairperson of the Davao Historical Society
- Four (4) representatives from the private sector

The private sector representatives shall be selected on the basis of their demonstrated interest in and commitment to the museum besides their contribution to history, arts and culture.

The Director of Museo Dabawenyo shall be an ex-officio member of the Board.

³⁰³ Section 7, *Ibid.*

Section 21. Organization of the Board; Expenses, Gratuitous Services; Powers. The Museo Dabawenyo Advisory Board may function notwithstanding vacancies. At any meeting of the Board, five (5) shall constitute a quorum to do business. The services of its members shall be gratuitous. However, they shall be entitled to transportation allowance, subject to availability of funds.

The Board is authorized to adopt an official seal which shall be judicially noticed and shall make such by-laws, rules and regulations, as it deems necessary for the administration of its functions under this Article, including, among other matters, by laws, rules and regulations relating to the acquisition, exhibition, and loan of works of art, the administration of its trust funds, and the organization and procedure of the Board.

Section 22. Admission Fees. The Museo Dabawenyo may charge admission fees to augment its upkeep and maintenance expenses. Such amount shall be determined by the Museo Dabawenyo Advisory Board. ³⁰⁴

Article H. Establishing the Davao Sister Cities Program

Section 23. Declaration of Policy. Section 2, Article II of the 1987 Constitution provides that the State adheres to the policy of peace, equality, justice, freedom, cooperation and amity with all nations. The Local Government Code further encourages local government units to consolidate or coordinate their efforts, services and resources for purposes commonly beneficial to them. ³⁰⁵

Section 24. Davao Sister Cities Program. A Davao Sister Cities Program is hereby established under the Davao City Investment and Promotion Center (DCIPC). The Center shall provide secretariat services to the program aside from ensuring that prospective sisterhood agreements entered into by the City are viable enough to provide mutual interest and benefit. ³⁰⁶

Section 25. Guidelines and Policies. The Davao City Investment and Promotion Center (DCIPC), in undertaking the pre-evaluation stage of sisterhood applications or proposals, shall be guided by the following guidelines and policies: ³⁰⁷

- Existence of common interest for improvement or development in the field of culture, trade and investment, tourism, sports, education, health, science and technology;
- If emanating from an organized group or aggrupation of citizens of the locality, the sisterhood proposals shall be indorsed by the local government concerned;
- The application or proposal shall be supported by a list of organizations or individuals who have signified or committed their support to the program to ensure the long-term viability and functionality of the program;

³⁰⁴ Section 12, *Ibid.*

³⁰⁵ Section 2, Ord. No. 0297-06, s. 2006 "Establishing the Davao Sister Cities Program"

³⁰⁶ Section 3, *Ibid.*

³⁰⁷ Section 4, *Ibid.*

- Base on established policies and criteria, the DCIPC shall indorse to the Sangguniang Panlungsod the sisterhood applications or proposals. After appropriate action, the Sangguniang Panlungsod shall endorse the same for consideration of the City Mayor for the eventual forging of the Sister City Memorandum of Agreement.

Section 26. The Davao City Investment and Promotion Center shall promulgate the necessary procedures and mechanisms to effectively implement the provisions of this Article.

Section 27. The Davao City Investment and Promotion Center (DCIPC) may recommend at anytime, the number of Sister City agreements that the City would enter into based on the available resources of the City to sustain an efficient and effective sister-city relationship.

CHAPTER XIII

FINAL PROVISIONS

**Article A. Separability, Applicability, Restatement
and Effectivity Clauses.**

Section 1. SEPARABILITY CLAUSE. If, for any reason, any provision, section or part of this Code is declared invalid by a Court of competent jurisdiction or suspended or revoked by the authorities concerned, such judgment shall not affect or impair the remaining provisions, sections or parts which shall continue to be in force and effect;

Section 2. APPLICABILITY CLAUSE. All other related matters not specifically provided in this Code shall be governed by the pertinent provisions of existing applicable laws or ordinances.

Section 3. RESTATEMENT. The provisions of this Code are merely a “restatement” of previous or existing ordinances as provided under Section 9, Article B “Rules of Construction”, Chapter I hereof.

Section 4. EFFECTIVITY. This Code shall take effect upon approval and posting in three (3) conspicuous places and after publication in a newspaper of general circulation in Davao City.

ENACTED, August 25, 2009. By a majority vote of all the members of the Sanggunian.

CERTIFIED CORRECT:

(Sgd.) **ZULEIKA T. LOPEZ**
Secretary to the Sangguniang Panlungsod
(City Government Department Head II)

ATTESTED:

(Sgd.) **MARIA BELEN S. ACOSTA**
President Pro Tempore
Temporary Presiding Officer

APPROVED: LAPSED

*(Deemed Approved after the
Lapse of ten (10) days)*

RODRIGO R. DUTERTE
City Mayor

ATTESTED:

WENDEL E. AVISADO
City Administrator