

Republic of the Philippines  
Autonomous Region in Muslim Mindanao  
**REGIONAL ASSEMBLY**  
Cotabato City

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**FIFTH LEGISLATIVE ASSEMBLY**  
(First Regular Session)

**[MUSLIM MINDANAO AUTONOMY ACT NO. 194]**

Begun and held in Cotabato City, on Monday, the twenty-fourth day of October, two thousand five.

**AN ACT CREATING THE MUNICIPALITY OF OMAR IN THE  
PROVINCE OF SULU, PROVIDING FUNDS THEREFOR,  
AND FOR OTHER PURPOSES.**

Be it enacted by the Regional Legislative Assembly in session assembled:

SECTION 1. The island barangay of Capual and mainland barangays of Lahing-Lahing, Angilan, Niangkaan, Howit-Howit, Andalan, Tangkuan and Sucuban all in the Municipality of Luuk, Province of Sulu, are hereby separated from said municipality and constituted into a distinct and independent municipality to be known as Municipality of Omar.

SEC. 2. The seat of government of the new municipality shall be in barangay Lahing-Lahing, to be known hereafter as Barangay Poblacion.

SEC. 3. The Municipality of Omar contains a land area of eight thousand four hundred forty five (8,445 has) hectares, more or less, bounded as follow:

<u>Capual Island</u> Line	Bearings	Distances
1-2	N63 <sup>0</sup> 54E	14586.26m
2-3	S74 <sup>0</sup> 24E	2535.00m
3-4	S12 <sup>0</sup> 04E	2300.00m
4-5	S41 <sup>0</sup> 15W	1587.28m
5-6	N71 <sup>0</sup> 08W	735.00m
6-7	S62 <sup>0</sup> 26W	1100.00m
7-8	N66 <sup>0</sup> 20W	800.00m
8-9	N28 <sup>0</sup> 56W	2631.67m
9-10	N44 <sup>0</sup> 17E	1267.40m
10-01	N46 <sup>0</sup> 40E	1259.05m

<u>Main Island</u>		
Line	Bearing	Distances
1-2	S87 <sup>0</sup> 41E	4905.68m
2-3	N86 <sup>0</sup> 13E	1030.00m
3-4	S69 <sup>0</sup> 32E	1551.00m
4-5	S47 <sup>0</sup> 33W	1595.83m
5-6	S59 <sup>0</sup> 20E	3000.00m
6-7	N08 <sup>0</sup> 08E	2250.00m
7-8	N70 <sup>0</sup> 40E	2150.00m
8-9	S53 <sup>0</sup> 56E	3450.00m
9-10	S12 <sup>0</sup> 48E	2245.00m
10-11	S30 <sup>0</sup> 27W	1750.00m
11-12	S74 <sup>0</sup> 20W	2756.00m
12-13	S25 <sup>0</sup> 26W	3700.00m
13-14	S58 <sup>0</sup> 04E	3050.00m
14-15	S29 <sup>0</sup> 52E	500.00m
15-16	S39 <sup>0</sup> 16W	1500.00m
16-17	N42 <sup>0</sup> 36W	2250.00m
17-18	N86 <sup>0</sup> 13W	1375.00m
18-19	S82 <sup>0</sup> 48W	500.00m
19-20	N30 <sup>0</sup> 49W	4956.43m
20-21	N60 <sup>0</sup> 12E	2200.00m
21-22	N28 <sup>0</sup> 46W	4050.00m
22-01	N06 <sup>0</sup> 41W	2600.00m

Approximate Land Area = 8,445 has

SEC. 4. The corporate existence of this Municipality shall commence upon the appointment or elections and qualification of its mayor, vice-mayor and majority of the members of the Sangguniang Bayan.

SEC. 5. Interim Officials of the Municipality – Immediately after the ratification of this Act in a plebiscite, called for the purpose, the Regional Governor shall appoint the mayor, vice-mayor and eight (8) members of the Sangguniang Bayan who shall hold office until their successors shall have been duly elected and qualified in the next regular local elections. Sectoral representatives, as ex-officio members of the Sangguniang Bayan, shall be elected by their respective sectors in accordance with Muslim Mindanao Autonomy Act No. 25.

SEC.6. Corporate Powers of the municipality. – The municipality is a political body which is endowed with the attributes pertaining to such juridical entity. It possesses powers of a municipal corporation in accordance with the provisions of Sec. 19 of MMA Act No. 25. Specifically, the municipality shall have the following corporate powers:

- (a) To have a continuous succession in its corporate name;
- (b) To sue and be sued;

- (c) To have and use a corporate seal;
- (d) To acquire and convey real or personal property;
- (e) To enter into any contract and/or agreement; and
- (f) To exercise such other powers, prerogatives or authority subject to the limitations provided in this Act or such other laws.

SEC. 7. General Powers. – The municipality shall have a common seal and may be revised upon proper consultation. It shall exercise the powers to levy taxes; to close and open roads, streets, alleys, parks or squares; to take, purchase, receive, hold, lease, convey and dispose of real and personal property for the general interests of the municipality; to expropriate or condemn private property for public use; to contract and be contracted with, to sue and be sued; to prosecute and defend to final judgment and execution suits wherein the municipality is involved or interested in and to exercise all powers as granted to corporations or as hereinafter granted.

SEC. 8. General Welfare Clause. – The municipality shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within its territorial jurisdiction, the municipality shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among residents, maintain peace and order, and preserve the comfort and convenience of its inhabitants.

SEC. 9. Fiscal Capacity of the Municipality – The municipality shall have the power to raise its own revenue by collection of local taxes and other means allowed under Book II of MMA Act No. 25.

SEC. 10. The Officials of the Municipality– (a) The officials in the municipality shall be those mentioned under Chapter 2, Title Two of MMA Act No. 25. The powers they exercise will be in accordance with the provisions of Chapter 2 and 3, Title Two, Book II of MMA Act No. 25;

(b) The municipality may:

1. Maintain existing offices not mentioned in subsections (a) hereof;
2. Create such other offices as may be necessary to carry out the purpose of the municipal government; or
3. Consolidate the functions of any office with those of another in the interest of efficiency and economy.

(c) Unless otherwise provided herein, heads of departments and offices shall be appointed by the municipal mayor with the concurrence of the majority of all the Sangguniang Bayan members, subject to Civil Service law, rules and regulations. The Sangguniang Bayan shall act on the appointment within fifteen (15) days from the day of its submission, otherwise the same shall be deemed confirmed.

SEC. 11. Process of Legislation - The Process of enacting legislation in the municipality shall be in accordance with Chapter 3, Title Two, Book I of MMA Act No. 25.

SEC. 12. Internal Rules of Procedure. – On the first regular session following their appointment or election of its members and within ninety (90) days thereafter, the Sangguniang Bayan shall adopt or update its existing rules of procedure.

SEC. 13. The Appointive Officials of the Municipality: Their Qualifications, Powers and Duties - The appointive officials of the municipality shall be those stated in Title Five, Book III of MMA Act No. 25. They shall possess the qualifications as mandated under the said provisions and exercise such powers as enunciated thereat.

SEC. 14. Provincial Concerns – Election of Provincial Governor and Sangguniang Panlalawigan Members of the Province of Sulu. – The qualified voters of the municipality shall qualify to vote and run for any elective position in the elections for Provincial Governor, Provincial Vice Governor, Sangguniang Panlalawigan Members and other elective offices for the Province of Sulu.

SEC. 15. Representative District. – Until otherwise provided by law, the municipality shall continue to be a part of the 2<sup>nd</sup> Congressional District of Sulu Province.

SEC. 16. The new Municipality shall be entitled to an equitable share from the unexpended balance of Internal Revenue Allotment (IRA) share of the mother municipality until its own annual allotment shall have been segregated and released by the national government.

SEC. 17. The Commission on Elections (COMELEC) shall conduct and supervise the plebiscite in the municipality directly affected within one hundred twenty (120) days from the approval of this Act.

SEC. 18. The expenses necessary in holding the plebiscite shall be appropriated out of any available funds in the treasury of its mother municipality or the treasury of the Sulu Province, as the case may be.

SEC. 19. The creation of the Municipality of Omar shall take effect when ratified by a majority of the votes cast in the plebiscite called for the purpose in the affected areas.

SEC. 20. Separability Clause. – If any part of this Act is declared to be invalid or unconstitutional, the other parts or provisions not affected hereof shall continue to remain valid and effective.

SEC. 21. Effectivity. – This Act shall take effect upon the completion of its publication in at least one (1) newspaper of provincial circulation.

Approved, \_\_\_\_\_, 2005.

**(SGD) HATIMIL E. HASSAN**  
Speaker

This Act was passed by the Regional Legislative Assembly on December 20, 2005.

**(SGD) DATU MAMA M. AMPATUAN**  
Secretary-General

**APPROVED:**

**(SGD) DATU ZALDY PUTI UY AMPATUAN**  
Regional Governor  
Date: \_\_\_\_\_