

RLA BILL NO. 12

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

FIFTH LEGISLATIVE ASSEMBLY
(First Regular Session)

[MUSLIM MINDANAO AUTONOMY ACT NO. 200]

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

**AN ACT CREATING THE MUNICIPALITY OF HADJI
MUHTAMAD IN THE PROVINCE OF BASILAN AND
FOR OTHER PURPOSES.**

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

ARTICLE I
GENERAL PROVISIONS

Section 1. Barangays Baluk-baluk, Dasalan, Lubukan, Luukbungsod, Mananggal, Palahangan, Panducan, Sangbay Big, Sangbay Small, and Tausan are hereby separated from the municipality of Lantawan, Province of Basilan, and are constituted into a distinct and independent municipality.

The territorial jurisdiction of the municipality shall be the existing metes and bounds of the above barangays as established when it was part of the Municipality of Lantawan.

Sec. 2. Commencement of Existence-The Municipality shall commence to exist upon appointment of its local elective officials in accordance with Sec. 13 of MMA Act No. 25. The amount necessary for the initial operation of the municipality shall be drawn from the Internal Revenue Allotment (IRA) of the mother Municipality of Lantawan, Basilan Province, which shall be determined in accordance with equitable share, until such time that the IRA of the former is determined and segregated by the Department of Budget and Management (DBM);

Sec. 3. Seat of Government-The seat of government of the municipality shall be in the most strategic and ideal site in any of the above-enumerated barangays, to be determined upon gaining of corporate existence of the municipality.

Sec. 4. 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 other laws.

Sec. 5. General Powers. – The municipality shall have a common seal and may alter the same at pleasure. 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 the powers as are granted to corporations or as hereinafter granted.

Sec. 6. 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 their residents, maintain peace and order, and preserve the comfort and convenience of its inhabitants.

Sec. 7. Jurisdiction of the municipality. – The jurisdiction of the municipality, for police purposes only, shall be coextensive with its territorial jurisdiction and for the purpose of protecting and ensuring the purity of the water supply of the municipality, such police jurisdiction shall also extend over all the territory within the drainage area of such water supply, or within one hundred meters (100 m.) of any reservoir, conduit, canal, aqueduct or pumping station used in connection with the municipal water service.

Sec. 8. 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.

ARTICLE II MUNICIPAL OFFICIALS IN GENERAL

Sec. 9. The Officials of the Municipality– (a) The officials in the municipality shall be those mentioned under Chapter III, Title Two, Book III of MMA Act No. 25. The powers they exercise will be in accordance with the provisions of Chapter 3, Title Two, Book III of R.A. 7160;

(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 purposes of the municipality 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.

**ARTICLE III
PROCESS OF LEGISLATION**

Sec. 10. The Process of enacting legislation in the municipality shall be in accordance with Chapter III, Title Two, Book I of MMA Act No. 25.

Sec. 11. Internal Rules of Procedure. – (a) On the first regular session following the election of its members and within ninety (90) days thereafter, the Sangguniang Bayan shall adopt or update its existing rules of procedure.

**ARTICLE IV
THE APPOINTIVE OFFICIALS OF THE MUNICIPALITY:
THEIR QUALIFICATIONS, POWERS AND DUTIES**

Sec. 12. 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.

**ARTICLE V
TRANSITORY PROVISIONS**

Sec. 13. Plebiscite. – The municipality shall acquire corporate existence upon the ratification of its creation by a majority of the votes cast by the qualified voters in a plebiscite to be conducted in the present Municipality of Tuburan within one hundred twenty (120) days from the approval of this Act. The Commission on Elections shall conduct and supervise such plebiscite.

Sec. 14. Interim Officials of the municipality – Immediately after the ratification of this act in a plebiscite, the Regional Governor shall appoint the Municipal Mayor, Vice Mayor, and members of the Sangguniang Bayan of the municipality. They shall hold office and shall exercise their powers and functions until such a time that an election is held and the duly-elected officials shall have already qualified and assumed their offices. The appointive officials and employees of the municipality shall be appointed by the Mayor except as otherwise provided by law. The administrative operation and personnel structure will be on the basis of a fifth class Municipal Government Unit.

ARTICLE IX
PROVINCIAL CONCERNS

Sec. 15. Election of Provincial Governor and Sangguniang Panlalawigan Members of the Province of Basilan. – 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 Basilan.

Sec. 16. Jurisdiction of the Province of Basilan. – The municipality shall, unless otherwise provided by law, continue to be under the jurisdiction of Basilan Province.

Sec. 17. Representative District. – Until otherwise provided by law, the municipality shall continue to be a part of the Lone Congressional District of Basilan Province.

ARTICLE IX
FINAL PROVISIONS

Sec. 18. Applicability of Laws. – The provisions of Republic Act No. 7160, otherwise known as the Local Government Code of 1991 and the Organic Act of ARMM as amended, and such laws as are applicable to municipalities shall govern the municipality insofar as they are not inconsistent with the provisions of this Act.

Sec. 19. Separability Clause. – If any part of this Act is declared invalid or unconstitutional, the other parts or provisions not affected thereby shall remain valid and effective.

Sec. 20. Reservation. – Nothing herein contained shall preclude the determination by the appropriate agency or forum of boundary disputes or cases involving questions of territorial jurisdiction between the municipality and any of the adjoining local government units even after the effectivity of this Act.

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

APPROVED.

(SGD) PAISALIN P. TAGO
Speaker

This Act was passed by the Regional Assembly on August 22, 2006.

(SGD) DATU MAMA M. AMPATUAN
Secretary-General

APPROVED:

(SGD) DATU ZALDY PUTI UY AMPATUAN
Regional Governor
Date: _____