



Republic of the Philippines
Tanggapan ng Sangguniang Panlungsod
City of Naga



ORDINANCE NO. 2003-047

AN ORDINANCE INSTITUTING CERTAIN MEASURES FOR THE ENJOYMENT OF CHILDREN'S RIGHT TO WHOLESOME DEVELOPMENT THROUGH APPROPRIATE PHYSICAL, MENTAL, AND PSYCHO-SOCIAL STIMULATION BY MANDATING THE COMPULSORY ALLOCATION OF CERTAIN PORTIONS OF ALL RESIDENTIAL SUBDIVISIONS AND AREAS IN ALL BARANGAYS OF NAGA CITY AS CHILDREN'S PARKS AND PLAYGROUNDS, DEFINING THE IMPLEMENTING MECHANISM THEREFOR, PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND FOR OTHER PURPOSES:-

Author: Hon. City Councilor Mila S.D. Raquid-Arroyo

Be it ordained by the Sangguniang Panlungsod of the City of Naga that:

SECTION 1. - TITLE. - This Ordinance shall be known as the Ordinance for Children's Parks and Playgrounds.

SECTION 2. - PURPOSE. - This Ordinance is enacted to guarantee unto our children, and ensure and facilitate their enjoyment of the right to play which is very important not just in their physical and brain motor development but also in their psycho-social well-being.

SECTION 3. - MANDATORY ALLOCATION OF AREAS FOR CHILDREN'S PARKS AND PLAYGROUNDS. - To attain the objectives of this Ordinance, the following are hereby mandated:

a. Upon subdivision owners/developers:

All subdivision developers/owners are hereby mandated to allocate a portion of the subdivision equivalent to an area of at least five (5) square meters for every residential lot/house/house & lot generated which shall be devoted exclusively for children's parks and playgrounds or a ratio of 5:1 (5 square meters of children's parks and playgrounds for every 1 residential lot generated for sale); provided, however, that this provision shall be without prejudice to existing national legislation pertaining to this matter.

b. Upon the Barangay Councils in the 27 Barangays of Naga City:

Within three (3) months from the effectivity of this Ordinance, the respective Barangay Councils in the 27 Barangays of Naga City, in consultation with the Barangay Council for the Protection of Children (BCPC), are hereby enjoined to identify an area sufficient to be utilized as Children's Parks and Playgrounds in their respective barangays and furnish the Naga City Council for the Protection of Children (NCCPC) the list of the identified area/s. Once identified, the Barangay Council shall make the necessary arrangement with the landowner to achieve the purposes of this Ordinance and if no voluntary arrangement is effected, the

Barangay Council concerned shall make the necessary recommendation to the City Government of Naga for the expropriation thereof.

c. Upon Homeowners Associations in Existing Residential Subdivisions:

Within three (3) months from the effectivity of this Ordinance, the Homeowners Association in subdivisions already existing at the time of the effectivity of this Ordinance shall designate sufficient portion of the open spaces in the subdivision to be utilized exclusively as children's parks and playgrounds; provided, that when such open spaces have already been donated to the City Government of Naga, the Homeowners Association shall make the necessary recommendation to the City Government of Naga for the utilization of the designated portion as children's parks and playgrounds. Except upon grounds of safety and security, the recommendation of the Homeowners Association shall be respected.

SECTION 4. - DUTY TO OPERATE AND MAINTAIN THE CHILDREN'S PARKS AND PLAYGROUNDS. - Once designated, the duty to operate and maintain the children's parks and playgrounds shall be the joint responsibility of the Barangay Council and all the Parents in the community. For this purpose, the Barangay Council for the Protection of Children (BCPC), in consultation with the different Non-government organizations, people's organizations, such as the Barangay People's Council (BPC) or the homeowners association in the case of subdivisions, and other community organizations in the barangays shall formulate the necessary policies and rules and regulations on the use and maintenance of the facility.

SECTION 5. - MANDATORY EXCLUSIVE USE. - Areas designated as children's parks and playgrounds shall be utilized exclusively for the purpose and this fact shall be annotated in the Certificate of Title covering the same; provided, however, that recreational facilities available for adults but which are also appropriate for children shall be allowed therein up to not more than fifty percent (50%) of the total area. Any person found guilty of violation of this provision shall suffer the penalty of imprisonment for a period ranging from one (1) month to six (6) months or fine of P3,000.00 to P5,000.00 or both, at the discretion of the court; provided, that when the violator is a juridical person, the Officers thereof shall also be liable.

SECTION 6. - MANDATORY TREE PLANTING. - To ensure cleanliness and healthful environment, the respective Barangay Councils for the Protection of Children (BCPC), in partnership with the City Environment and Natural resources Office (ENRO), and in collaboration with organized groups and concerned individuals in the community, shall provide appropriate and sufficient number of waste bins within the facility and plant the same with trees and flowering plants especially lining the boundaries thereof.

SECTION 7. - MECHANISM FOR ENFORCEMENT. - To effect faithful enforcement of this Ordinance, the following are hereby mandated:

- a. All applications for Development Permit for Residential Subdivisions that do not comply with the provisions of this Ordinance, particularly Section 3 (a) and Section 5 hereof, shall be denied;
- b. All donations made for the development and operation of children's parks and playgrounds mandated under this Ordinance shall entitle the donor certain tax benefits. For this purpose, the City Treasurer is hereby required to recommend to the Sangguniang Panlungsod appropriate tax incentive schemes within three (3) months from the effectivity of this Ordinance.

SECTION 8. - ROLE OF THE NAGA CITY COUNCIL FOR THE PROTECTION OF CHILDREN. (NCCPC). - The NCCPC is hereby mandated to monitor compliance with the provisions of this Ordinance and to recommend measures necessary for its effective enforcement.

SECTION 9. - SEPARABILITY. - Should any portion of this Ordinance be declared unconstitutional or illegal by any court of competent jurisdiction, the portions not so declared shall remain in full force and effect.

SECTION 10. - REPEALING CLAUSE. - All ordinances, executive orders and administrative issuances or part or parts thereof which are inconsistent with this Ordinance are hereby repealed or modified accordingly.

SECTION 11. - EFFECTIVITY. - This Ordinance shall take effect fifteen days from date of its publication in a newspaper of general circulation in the City of Naga.

ENACTED: April 30, 2003

WE HEREBY CERTIFY to the correctness of the foregoing ordinance.

ESTEBAN R. ABONAL
City Vice Mayor & Presiding Officer

GIL A. DE LA TORRE
Board Secretary III
& Officer-In-Charge

APPROVED:

JESSE M. ROBREDO
City Mayor