

ORDINANCE NO. 2008-047
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AN ORDINANCE PRESCRIBING RULES FOR THE USE AND MAINTENANCE OF PLAZA QUINCE MARTIRES, AND PENALIZING VIOLATIONS THEREOF:-

Author: Hon. David Casper Nathan A. Sergio

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

SECTION 1. Title. This ordinance shall be known and cited as the "Plaza Quince Martires Ordinance";

SECTION 2. Purposes. It is the primordial intent of this Ordinance to accord utmost care and respect to the Plaza Quince Martires, which is dedicated to the fifteen Bicol Martyrs whose execution and torture flamed the cause of Philippine Revolution in the Bicol Region, and to promote the Plaza as the official landmark of Naga City, the acknowledged Heart of Bicol. Thus, said plaza shall:

- 2.1 Be clear, free and a wholesome place for the enjoyment of all residents and visitors, of present and future generations;
- 2.2 Be used with reverence to the lofty ideals and principles exemplified by the fifteen martyrs who represent the many other unnamed Bicolanos who fought for our freedom and independence; and,
- 2.3 Be free from any form of commercialization that tends to denigrate the historico-cultural character of the plaza.

SECTION 3. Definition of Terms - As used in this ordinance,

The term *Plaza Quince Martires* shall refer to the existing public plaza located at Barangay San Francisco, Naga City where the Monument for Bicol's Fifteen Martyrs is erected, bounded by Peñafrancia Avenue and the streets of Padre Burgos, Elias Angeles and Arana, and containing an area of 1,445 square meters, more or less;

The term *Commercialization* shall refer to a situation wherein the character of Plaza Quince Martires as a historico-cultural landmark is lost due to private commercial or promotional activities at its premises, which may involve mere display or outright sale of product and/or marketing collaterals.

The term *Product* shall refer to any good or service which can be bought and sold. The term embraces basic commodities, merchandises of either raw materials or finished goods, and services including insurance products and memorial plans.

The term *Vandalism* shall refer to any defacement or destruction of a structure or a symbol, or any act that willfully damages property. As contemplated in this Ordinance, vandalism are those undesirable acts like making graffiti, spray painting, cutting of trees, breaking of lighting bulbs, placing glue on benches, and other similar behaviours.

The term *Special Days* shall refer to specific days recognized, nationally and/or locally, as having historical significance.

SECTION 4. Scope. This ordinance shall cover all acts and activities affecting the monument and all the improvements inside the Plaza Quince Martires.

SECTION 5. Permitted Uses. The Plaza Quince Martires may be used for rest and rescreation purposes. It may also be used for temporary activities with humanitarian causes (i.e. blood donations, public assistance, lost-and-found, free medical/dental check-ups, relief operations, and the likes), for exhibits of historical pictures/documents/ornaments, for mere display of indigenous products except deadly weapons, for artistic and cultural presentations, and for holding mass physical fitness exercises; Provided, that a permit for holding them is first secured from the Office of the City Mayor.

SECTION 6. Prohibited Acts. The following acts shall constitute violations of this Ordinance, to wit:

- 6.1 Committing any form of vandalism on the monument itself, or putting anything that tends to desecrate it; altering its physical appearance not in accordance with Section 11 hereof; and other similar acts;
- 6.2 Putting anything that will obstruct or cover the view of the monument, or anything extraneous to the Plaza that includes, but not limited to, any kind of structures, signages, unauthorized streamers or bantings and the likes;
- 6.3 Vandalism on the various plaza improvements that include its lighting system, benches, other structures, and landscape;

6.4 Any activity that promotes trade and commerce within the plaza, except as provided for under Section 7.5 hereof.

6.5 Using the plaza as area for parking any kind of vehicle, or for conduct of sports tournament, or for holding any game of chance including bingo socials and raffle draws, or for operating videoke or conducting sing/dance contest; doing anything that shows incivility and violates public morals and customs.

SECTION 7. Exceptions. The following shall constitute exceptions to the prohibitions enumerated above, to wit:

7.1 Location of Streamers. For the time being, streamers may be installed only at the two side entrances along Peñafrancia Avenue and Elias Angeles Street, in-between the standing lady statues where the streamer/s may be attached by rope. In the future, streamers shall be placed only at the designated areas within the plaza, once their locations and the poles' designs have been finalized, constructed and ready for use.

7.2 When Streamers are Allowed. For special days like the Quince Martires Day (January 4), Araw ng Kagitingan (April 9), Philippine Independence Day (June 12), Naga City Charter Day (June 18), last Sunday of August (National Heroes Day), Aldaw nin Katalingkasan (September 19), Raul Roco Day (October 26), Bonifacio Day (November 30), and Rizal Day (December 30), the streamers may be hanged one (1) week before and one (1) week after the commemoration day. For other activities allowed in Section 6 hereof and duly approved by the City Mayor, the streamers may be installed a day before the activity and shall be removed immediately right after the activity. For streamers welcoming certain dignitary, they shall be installed one day before his/her arrival and shall be dismantled a day after he/she have left the city.

7.3 Location of Booths. When booths are installed according to the permitted use and duly approved by the City Mayor, they shall be located more than five (5) meters away from the base of the monument and never on the side entrances of the plaza and its

surrounding sidewalk and on top of elevated landscaped greeneries. They shall only be of such size and height as to preserve the commanding presence and dominance of the monument and in no case shall their apex exceed ten (10) feet in height and the spacing of individual booths be less than one and a half (1 1/2) meters apart.

7.4 During Rallies. Aside from the streamers to be installed at the designated area, the organizer may lay placards around the base of the monument but not putting them on the surface of the monument using any kind of adhesive, and they must all be removed immediately right after the rally or protest action.

7.5 During Peñafrancia Fiesta. Commercial booths by major sponsors of Peñafrancia Fiesta, duly certified by the City Mayor or his authorized representative, may be allowed for one month within the plaza ground, alongside historico-cultural exhibits, subject to strict compliance with Section 7.3 hereof, but their promotional materials shall be limited to vertical streamers at the plaza lamp posts and shall be allowed for a similar non-extendable period.

SECTION 8. Applicability of Ordinance No. 2006-014.

All provisions of the "Ordinance Establishing Freedom Park in the City of Naga", which designates Plaza Quince Martires as a freedom park -- shall remain applicable and in full force and effect.

SECTION 9. Plaza Maintenance and Upkeep. To make Plaza Quince Martires a wholesome place, concerned City Hall offices, in addition to their existing mandates, shall have the following tasks, namely:

9.1 The Environment and Natural Resources Office (ENRO) - maintenance of cleanliness, landscaping and beautification; and designation of city hall personnel to regularly perform the stated function, empowering said personnel to dismantle, remove or confiscate any unauthorized booth or streamer;

9.2 The City Engineer's Office (CEO) - repainting of the monument every two-year period or shorter when necessary; and to do other needed construction works;

9.3 The General Services Department (GSD) - procurement of Philippine Flag and Naga City Seal to ensure their permanent display at the plaza; installation and maintenance of lighting system, ensuring all lamp posts and spot lights directed towards the monument and the flags are in order and functional all the times.

The Department Heads of these offices shall be held responsible for the tasks above-mentioned, and with the City Administrator, or in his absence, the Secretary to the Mayor, providing the overall coordination and monitoring function.

An initial amount of One Hundred Thousand Pesos (P100,000.00) shall be charged against the Urban Development and Greening Fund to carry out the purposes of this ordinance. However, beginning next year, the offices named herein shall incorporate in their respective annual budgets such amount as are necessary to ensure regular maintenance and upkeep of the plaza.

SECTION 10. Display of Philippine Flag and the Naga City Seal. The Philippine Flag and the Naga City Seal shall be permanently hoisted and displayed on flagpoles in the plaza, day and night, throughout the year. At night, these flags shall be properly illuminated. These flags shall be replaced immediately when they begin to show signs of wear and tear. The other rules for proper display and use of the Philippine National Flag shall be consistent with the R.A. 8491 and the flag protocol prepared by the National Historical Institute.

These flagpoles shall be installed at a prominent place and shall be at such height as would give the National Flag and the Naga City Seal a commanding position in relation to the Quince Martires Monument and the other structures/improvements in the vicinity. They must be straight and slightly tapering at the top. The location and design of these flagpoles shall be in accordance with Section 11 hereof.

The flagpole for the National Flag must be taller than that of the Naga City Seal, but must not be of equal height nor taller than the Independence Flagpole at the Rizal Park in Luneta (107 feet).

SECTION 11. Role of Local Historians and the National Historical Institute (NHI). Local historians and/or the National Historical Institute shall be consulted by the City Government whenever significant changes in the central monument will be made or when such changes have historical import. Regular maintenance and beautification works of the City Government on the plaza shall not require such prior consultation.

SECTION 12. Role of Civil Society. The Civil Society - people from the socio-civic clubs, the non-government organization (NGOs), the people's organizations (POs), the cause-oriented groups, the professional groups, the academe and the business community - is hereby enjoined to observe the proper use of the Plaza and is encouraged to partner with the City Government for its beautification and maintenance and in promoting the Plaza as an official landmark of Naga City.

SECTION 13. Role of Media. Members of the local media are hereby mandated to disseminate as widest as possible the details or the salient features of this Ordinance, and they are likewise encouraged to promote the Plaza as an official landmark of Naga City.

SECTION 14. Role of Barangay Council of San Francisco. The Barangay Council of San Francisco is enjoined to regularly provide Barangay Tanods who will assist policemen and other law enforcers maintain peace and order in the plaza and its vicinity.

SECTION 15. Nagueños as Stewards. Every Nagueño is hereby called upon to become a steward of the Plaza and is encouraged to observe and ensure observance of this Ordinance.

SECTION 16. Penalty Clause. Any person found violating the provisions of Section 6 shall be penalized accordingly, to wit:

For violation of Section 6.1 hereof, the violator shall pay the cost of repair or restoration works of the monument, to be determined by the City Engineer's Office. In addition thereto, the violator shall be charged One Thousand Pesos (P1,000.00) as administrative fine for the First Offense; Three Thousand Pesos (P3,000.00) for the Second Offense; and Five Thousand Pesos (P5,000.00) for the Third Offense.

For violation of Section 6.2 hereof, the violator shall pay an administrative fine of Five Hundred Pesos (P500.00) for every piece of obstruction, aside from the probable dismantling and confiscation of the same;

For violation of Section 6.3 hereof, the violator shall pay the cost of repair or restoration works of vandalized improvement, to be determined by the City Engineer's Office. In addition thereto, the violator shall pay the administrative fine of One Thousand Pesos (P1,000.00) for the First Offense; Two Thousand Pesos (P2,000.00) for the Second Offense; and Three Thousand Pesos (P3,000.00) for the Third Offense.

For violation of Sections 6.4 & 6.5 hereof, the violator shall pay an administrative fine of One Thousand Pesos (P1,000) for the First Offense, Two Thousand Pesos (P2,000.00) for the Second Offense and Three Thousand Pesos (P3,000.00) for the Third Offense.

If the violator is an entity, the manager or the head of the entity shall be held accountable for the violation.

SECTION 17. Penalty If Violator Is Minor. If the violator is a minor but above the age of six, his/her parents or guardians shall be held accountable for the monetary penalties.

If the violator is fifteen (15) years of age and below, he/she shall be subject to an intervention program pursuant to Section 20 of RA 9344. If the violator is 16 or 17 years old, he/she shall likewise be subjected to an intervention program, unless he/she has acted with discernment, in which case, the violator shall be subjected to the appropriate proceedings in accordance with RA 9344.

The exemption from criminal liability of minors under RA 9344 does not include exemption from civil liability, which shall be enforced.

SECTION 18. Trust Fund. There is hereby created a Trust Fund in the City Treasurer's Office where the monetary penalties resulting from apprehensions of violators of this Ordinance, specifically the payments of both the administrative fines and cost of repair or restoration works, shall be kept. This fund shall be used solely for the various restoration, maintenance, improvement, or beautification works of Plaza Quince Martires. Cash donations intended for Plaza Quince Martires, whether coming from public or private persons/entities, shall also be recorded under this fund. The City Mayor, subject to the approval of the Sangguniang Panlungsod, may enter into an agreement with the Barangay Council of San Francisco, providing incentive to the latter's Tanods out of the monetary penalties collected as a direct result of the Tanods' enforcement of this Ordinance.

SECTION 19. Community Service. In the implementation of this Ordinance, the City Mayor may require violator to render community service in case he/she is not capable of paying the administrative fine and/or the cost of repair/restoration. The kind of community service to be rendered shall depend on the City Mayor's decision, and its duration shall be computed based on the minimum daily wage in the city. Supervision and monitoring of community service is a must, and this task must be clearly assigned by the City Mayor in a directive or memorandum order to be issued. No violator shall be allowed proxy during community service.

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SECTION 20. Separability Clause. Should any provision of this Ordinance be subsequently declared unconstitutional or invalid, the rest of the provisions not so declared shall remain in full force and effect.

SECTION 21. Repealing Clause. All resolutions, ordinances and executive issuances, or provisions thereof, which are inconsistent with any of the provisions hereof are hereby repealed, amended or modified accordingly.

SECTION 22. Effectivity Clause. This Ordinance shall take effect immediately upon its approval and publication in at least one newspaper of general circulation in the Bicol region.

ENACTED: June 24, 2008

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WE HEREBY CERTIFY to the correctness of the foregoing ordinance.

GIL A. DE LA TORRE
Board Secretary IV
& Acting SP Secretary

GABRIEL H. BORDADO, JR.
City Vice Mayor &
Presiding Officer

APPROVED:

JESSE M. ROBREDO
City Mayor