

**SANGGUNIANG PANLUNGSOD
GENERAL SANTOS CITY**

COMMITTEE REPORT NO. 18-188

Submitted by the **COMMITTEE ON GENDER EQUALITY, WOMEN, FAMILY AND CHILDREN'S WELFARE AND POPULATION MANAGEMENT**

Date of Hearing: June 7, 2017

Re: SPPO No. 1618-0120

RECOMMENDING APPROVAL FOR ITEM I

Author/Sponsor: Hon. Shandee Theresa O. Llido-Pestaño; **Co-Authors:** Hon. Jose Edmar J. Yumang, Hon. Alberto D. Pacquiao, Hon. Elizabeth B. Bagonoc, Hon. Jose Orlando R. Acharon, Hon. Lourdes F. Casabuena and Hon. Rosalita T. Nuñez

MADAM PRESIDENT:

The abovementioned Committee to which was referred the following:

TITLE	RECOMMENDATION
SPPO No. 1618-0120: AN ORDINANCE INSTITUTING CERTAIN MECHANISM FOR THE ALLOCATION OF PORTIONS OF ALL RESIDENTIAL SUBDIVISIONS AND AREAS IN THE DIFFERENT BARANGAYS OF GENERAL SANTOS CITY AS CHILDREN'S PARK AND PLAYGROUND. <i>(Hon. Shandee Theresa O. Llido-Pestaño-Author/Sponsor)</i>	APPROVED ON COMMITTEE LEVEL – FOR SECOND READING

has considered the same and has the honor to report it back to the August Body with the foregoing recommendation.

Respectfully submitted:

SHANDEE THERESA O. LLIDO-PESTAÑO
City Councilor & Chairperson



MINUTES OF THE HEARING OF THE COMMITTEE ON GENDER EQUALITY, WOMEN, FAMILY AND CHILDREN'S WELFARE AND POPULATION MANAGEMENT OF THE 18TH SANGGUNIANG PANLUNGSOD, CITY OF GENERAL SANTOS

Wednesday, June 7, 2017

10:25 A.M. – 11:56 A.M.

Sangguniang Panlungsod Session Hall, Legislative Building
City Hall Drive, City of General Santos

MEMBERS/COUNCILORS PRESENT: Hon. Shandee Theresa O. Llido-Pestaño (*Chairperson*), Hon. Jose Edmar J. Yumang (*Member*), Hon. Alberto D. Pacquiao (*Member*), Hon. Elizabeth B. Bagonoc (*Ex-Officio Member*), Hon. Jose Orlando R. Acharon, Hon. Lourdes F. Casabuena

GUESTS/RESOURCE PERSONS: *See attached attendance sheet.*

AGENDUM:

SPPO No. 1618-0120: AN ORDINANCE INSTITUTING CERTAIN MECHANISM FOR THE ALLOCATION OF PORTIONS OF ALL RESIDENTIAL SUBDIVISIONS AND AREAS IN THE DIFFERENT BARANGAYS OF GENERAL SANTOS CITY AS CHILDREN'S PARK AND PLAYGROUND. (*Hon. Shandee Theresa O. Llido-Pestaño-Author/Sponsor*)

The committee chairperson, Councilor Shandee Theresa O. Llido-Pestaño, called the committee hearing to order and after which was the acknowledgment of everyone's presence. The chair then ruled to discuss the ordinance by section.

When asked, Engr. Jun Madria, representative of Agan Land Corporation stated that in the preparation of plans, developers are using the Implementing Rules and Regulations of BP 220 for socialized housing projects and PD 957 for high-end housing units. The percentage allocation as required under BP 220 for parks and playgrounds is 3.5% and 5% under PD 957 of the gross area that they are going to develop. Councilor Llido-Pestaño clarified that the purpose of the ordinance is to allocate a portion of the allocated 3.5% gross land area just for children's parks and playground.

Councilor Yumang believes that one of the requirements under the completion of works is the development by the developer of the playgrounds and roads and donation of which to the city or barangay. However, Atty. Taniegra interjected that some subdivision developers do not undertake the donation of the open areas or roads to the city or barangay after the development was finished. Although there is an allocated portion of the area as mandatorily required by law for parks and playgrounds, however, there is no designation whether this will be used for day care center or as an open area only. Engr. Madria clarified that 1% of the gross area is allocated for the community facilities (day care center) which is separate from the area for parks and playgrounds.

With this, Atty. Taniegra advised that it must be specified in the map if the developers are required to allocate a portion for children's parks and playground so the area will not be used for anything else other than what is stated in the plan.

Discussions went on, Councilor Yumang inquired whether the passage of an ordinance requesting a portion for children's playground purposes is allowed considering the mandated law on the allocation for parks and playground. Atty. Taniegra stated that it has been observed in for the past several years that few subdivision owners donated the road networks and open areas to the city but no donations were done by previous subdivision developers. Hon. Yumang observed that new developers are now consistent in complying with the law.

Engr. Bernadeth F. Francisco of the City Planning and Development Office explained that subdivision developers that apply to the Sanggunian are required to comply with the requirement of allocating 1% of the area for community facilities and 3.5% for parks and playgrounds. However, the percentage requirement will depend on the density of the number of housing units built as minimum standard under BP 220. Within the 3.5%, the developers have an option whether to donate to the city government and for the city government to donate to the landowners' association for maintenance. The developers can only turn over the roads and all those facilities to the city government if the subdivision has been fully completed or if there is a certification issued by the HLURB as recommended by the city government. High-end subdivisions are allocating more than 30% of the development of their area for open spaces (roads, parks, playgrounds and community facilities). She furthered that they are planning to conduct another meeting to discuss with the developers with regard to subdivision development because it has been observed in some subdivisions especially under BP 220 that some lots were converted into commercial uses and the roads were utilized as parking spaces.

Moreover, Engr. Francisco clarified that the problem of the city is the simple subdivision due to the non-allocation of area for road, drainage and electricity compared to the developers who have legally complied with all the requirements. She then revealed how the lot owners have applied for a simple subdivision, thus, evaded the required open spaces. With the information, Councilor Yumang suggested to have an appropriate recommendation to the Sangguniang Panlungsod for legislation to avoid the problem, to which Engr. Francisco assured to submit their observations to the Sanggunian for appropriate action.

As to the title of the ordinance, as moved by Councilor Bagonoc, the same was amended, to read as: **AN ORDINANCE INSTITUTING CERTAIN MECHANISM FOR THE ALLOCATION AND DEVELOPMENT OF PORTIONS OF ALL RESIDENTIAL SUBDIVISIONS AND AREAS IN THE DIFFERENT BARANGAYS OF GENERAL SANTOS CITY AS CHILDREN'S PARK AND PLAYGROUND**, duly seconded, the chair ruled the same approved as amended.

Sections 1 to 2 - APPROVED AS PRESENTED

In Section 3, after the words "*Mandatory Allocation*", the words "*and Development with Amenities*" were inserted, to read as: "**Mandatory Allocation and Development with Amenities of Areas for Children's Parks and Playgrounds**". As moved by Councilor Bagonoc for its inclusion in the paragraph, duly seconded by Councilors Yumang, Acharon and Casabuena, the chair ruled the same approved, subject to style.

In Section 3(A), the chair manifested that the original proposal will be deleted and replaced by the following: **All subdivision developers/owners are hereby mandated to allocate a portion of the subdivision equivalent as provided under PD 957, otherwise known as the Revised Rules and Regulation Implementing the Subdivision and Condominium Buyer's Protective Decree and other related laws, and Batas Pambansa Bilang 220. Further, said law also provided the percentage requirement for parks and playgrounds written as follows:**

DENSITY (No. of Lots/Dwelling Unit Per Hectare)	PARKS/PLAYGROUNDS Allocation in Percent of Gross Area
20 and below	3.5
21-25	4.0
26-35	5.0
36-50	6.0
51-65	7.0
Above 65	9.0

As moved by Councilor Bagonoc, duly seconded by Councilors Pacquiao, Yumang and Acharon, the chair ruled Section 3(A) approved, subject to style.

In reply to Councilor Casabuena, Engr. Francisco clarified that under BP 220 subdivisions, it is mandatory for the local government to accept the roads, parks and playgrounds and it is the option of the homeowners to request the local government to donate to them the parks and playgrounds but developers of high-end subdivisions are not required to donate to the city government their amenities that are exclusively used by their homeowners.

In Section 3(B), first paragraph, after the words "respective barangays", the succeeding phrase will be deleted up to the word "identified". In lieu thereof, the phrase **"If in case the identified area of Children's Parks and Playgrounds are privately owned"** will be inserted before the words "the Sangguniang Barangay". The word "make" will be replaced by "initiate". The chair ruled the amendments approved.

In addition, as moved by Councilor Yumang, duly seconded, another sentence will be inserted in the last sentence of Section 3(B), to read as: **"The Barangay LGU, in the absence of property or area in the barangay, shall adopt any developed subdivision playgrounds as approved by the SP for school sites, school playgrounds for this purpose"**, thereby the chair ruled the same approved, subject to style.

Sections 4 to 6 - APPROVED AS PRESENTED

In Section 7, the first and second paragraphs were deleted and replaced by the following: **"All applications/requests for endorsement for the issuance of certificate of completion will not be recommended unless the developer has fully complied with the required development of the parks and playgrounds"**, subject to style. Upon motion of Engr. Francisco, duly seconded, the chair ruled for its approval, subject to style.

In order to have an effective implementation on Section 7, *Mechanism for Enforcement*, Councilor Bagonoc suggested to incorporate therein the monitoring of

compliant barangays that will be given a citation or commendation as well as the compliant developers as best barangay playgrounds and parks for children, to which Councilor Casabuena supported the observation. Noting the concurrence of the developers and barangay officials, Councilor Bagonoc deemed it proper to conduct research in framing up an effective way of coming up with mechanism for enforcement.

In Section 8, the words “*General Santos City Council for the Protection of Children (GSCCPC)*” be deleted and replaced with “**Local Council for the Protection of Children (LCPC)**”. As moved and duly seconded, the chair ruled the same approved.

Sections 9 to 11 - APPROVED AS PRESENTED

After clarification, the chair ruled this item approved on committee level as amended, subject to style, and to be calendared for second reading on Tuesday’s regular session with the manifestation that all councilors present are co-authors, namely Councilors Yumang, Pacquiao, Bagonoc, Acharon and Casabuena as well as Councilor Nuñez.

APPROVED ON COMMITTEE LEVEL – FOR SECOND READING

There being no more matter to take up, the chair declared the hearing adjourned at 11:56 in the morning.

HEARING - ADJOURNED

Prepared by:

LORELIE B. CALUBAD
Stenographic Reporter III

Edited by:

JANET B. ZABALA
Board Secretary I

Noted by:

LOLITA P. PEDRO
Division Chief, Journal and Minutes Div.

ATTESTED:

SHANDEE THERESA O. LLIDO-PESTAÑO
City Councilor & Chairperson