

SPPO NO. 2017 – _____

WHEREAS, it is enshrined in the 1987 Constitution that all the country's artistic and historic wealth constitutes the cultural treasure of the nation and shall be under the protection of the State, which may regulate its disposition;

WHEREAS, the protection and promotion of the National Cultural Heritage Act of 2009 protects and promotes the nation's cultural heritage, its properties and histories and the ethnicity of local communities;

WHEREAS, Section 16 of the RA 7160, provides that local government unit play an important role in the development, promotion and preservation of Filipino culture and encourage the participation of the people in the development and preservation of Filipino identity;

WHEREAS, General Santos City is actively engaging in the identification and documentation of its distinct natural built, intangible and tangible heritages for the awareness and appreciation of the constituents of their heritage environment, comprehensive development of heritage legislation for protection and conservation, promotion of cultural industries, and development of tourism campaign based on heritage output;

WHEREAS, in a joint survey conducted by the General Santos City Tourism Council, National Commission for Culture and the Arts, and the UP Alumni Association (SOCSARGEN Chapter), 37 World War II Japanese Defense Structures from various barangays within the city were identified;

WHEREAS, there is a need to declare as local historical landmarks of the city all the identified World War II Japanese Defense Structures in order that these historically significant structures can be protected and conserved;

NOW, THEREFORE, on motion of City Councilor _____ duly seconded by _____, be it-

RESOLVED, as it is hereby resolved, to enact the following ordinance:

ORDINANCE NO. ____

Series of 2017

"AN ORDINANCE DECLARING AS LOCAL CITY TREASURES ALL IDENTIFIED WORLD WAR II JAPANESE DEFENSE STRUCTURES IN THE CITY OF GENERAL SANTOS PROVIDING GUIDELINES FOR ITS PROTECTION AND CONSERVATION AND APPROPRIATING FUNDS THEREFOR"

HON. SHIRLYN L. BAÑAS-NOGRALES- AUTHOR

HON. SHANDEE THERESA LLIDO-PESTAÑO, HON. BRIX TAN, HON. RAMON MELLIZA -
SPONSORS

Be it ordained by the Sangguniang Panlungsod of General Santos City in session assembled, that:

Section 1. Title: This ordinance shall be known as **"THE JAPANESE BUNKERS PROTECTION AND CONSERVATION ORDINANCE OF GENERAL SANTOS CITY."**

SECTION 2 - PURPOSES - This Ordinance has for its purposes the following:

1. To identify and declare WW II Japanese Defense Structures or Bunkers in General Santos City as local city treasures, a list of the location of each is hereby attached as **"Annex A"**;
2. Promote, protect and conserved these local city treasures recognizing its significance and importance for the preservation of the city's local built and cultural heritages;
3. To develop tourism campaign based on this heritage output;
4. To educate the younger generation of today and the generations to come of a very significant segment of the city's local history;

Section 2. Scope: This ordinance shall apply to the protection, preservation and conservation of all the identified and documented WW II Japanese Defense Structures or Bunkers in General Santos City, a list of the location of each is hereby attached as **"Annex A"**;

Section 3. Definition of Terms: For purposes of this Ordinance, the terms enumerated in this Section shall be construed or interpreted to mean or refer to, as follows:

1. **LOCAL CITY TREASURE** - refers to sites or structures to commemorate of local importance such as a war or the city's founding and that it aims to represent social significance and serve as a focus for local identity.
2. **CONSERVATION** - refers to all the processes and measures maintaining the cultural significance of a cultural property including, but not limited to preservation, restoration, reconstruction, protection, adaptation or any combination thereof.
3. **HERITAGE**- is anything of value from the past that gives meaning and identity to the present and that would inspire future generations.
4. **HERITAGE CONSERVATION**- is action taken to sustain the value, meaning and significance of cultural resources from the past for the use of present and inspiration of future generations.
5. **BUILT HERITAGE** - refers to architectural and engineering structure such as, but not limited to, bridges government buildings, houses of ancestry, traditional dwellings quarters, train stations, lighthouse, small ports, educational, technological and industrial complexes, and their settings, and landscapes with notable historical and cultural significance.
6. **CULTURAL HERITAGE** - refers to the totality of cultural property preserved and developed through time and passed on to posterity.

Section 4. ENFORCEMENT AND IMPLEMENTATION. The Office of the City Mayor shall create and constitute the city's Heritage Council for the implementation and enforcement this ordinance.

Section 5. HERITAGE AGREEMENTS. - The City, with the advice of the Heritage Council and the City Legal Office may enter into agreements with private owners of the properties where these WW II Japanese Defense Structures or Bunkers are located with regard to its protection, preservation, and conservation.

Such agreement may include, but not limited to such terms and conditions:

- (a)Public access to the property;
- (b)Value of the encumbrance;
- (c)Duration of the servitude of the property;
- (d)Restriction of the right of the owner or occupant to perform acts on or near the place;
- (e)Maintenance and management of the property;
- (f)Provision of financial assistance for the conservation of the property; and
- (g)Procedure for the resolution of any dispute arising out of the agreement.

Such agreement should be annotated in the land title to bind future owners and/or occupants of the immovable cultural property.

Section 6. Allocation of Funds – The City shall allocate an annual budget that would ensure the effective implementation and enforcement of this ordinance upon its effectivity.

Section 7. Prohibited Act: The intentional act of destroying, demolishing, mutilating or damaging any of the WW II Japanese Defense Structures or Bunkers is prohibited;

Section 8. Penalty Clause: Without prejudice to the penal provisions of applicable laws, any person, group or corporation found violating any of the provisions of this ordinance or cause the same to be done, shall be liable for a fine of Two Thousand Five Hundred Pesos (P2,500.00) and/or six (6) months imprisonment at the discretion of the court.

Section 9. Separability Clause. The provisions of this Ordinance are separable, and in the event that any or more of such provisions are declared invalid, the validity of all other provisions shall not be affected thereby.

Section 10. Repealing Clause. Any Ordinance, Executive Orders and Local Issuance or Rules and Regulations or part thereof, inconsistent with or in conflict with this Ordinance are hereby repealed and or altered accordingly.

Section 11. Effectivity. This Ordinance shall take effect ten (10) days after its publication in a local newspaper of general circulation within the city.