

WHEREAS, Article 3 Section 15 of The Children’s Code of General Santos City of 2013 states that the children have the right to rest and leisure, to engage on play and recreational activities appropriate to their ages and internalize freely their cultural life and arts;

WHEREAS, as provided by the same Code, the City shall institute mechanisms and endeavor to provide safe, clean, easily accessible, adequately sized parks and playgrounds to promote the child’s basic rights to develop his or her full potential;

WHEREAS, there is a need to establish a children’s parks and playgrounds in all barangays in General Santos City to serve not only as an alternative learning setting for children to develop and acquire skills but also as a way for children to feel relevant and valued by the community;

NOW, THEREFORE, ON MOTION of City Councilor Shandee Theresa O. Llido-Pestaño, duly seconded by City Councilors _____, be it.

RESOLVED, as it is resolved to enact the hereunder ordinance.

ORDINANCE NO. 1718 - _____
SERIES OF 2017

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

Shandee Theresa O. Llido-Pestaño – Author/Sponsor

Be it ordained by the Sangguniang Panlungsod of the City of General Santos that:

Section 1. Short Title. – This Ordinance shall be known as the Ordinance for Children’s Parks and Playgrounds of General Santos City.

Section 2. Purpose. - This Ordinance shall guarantee and facilitate the enjoyment of the children’s right to wholesome development through appropriate physical, mental, and psycho-social stimulation.

Section 3. Mandatory Allocation and Development with Amenities 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 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 Pambansang 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/PLAYGROUND 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

B. Upon the Sangguniang Barangay in the 26 Barangays of General Santos City:

Within three (3) months from the effectivity of this Ordinance, the respective Sangguniang Barangay in the 26 Barangays of General Santos 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. If in case the identified area of Children’s Parks and Playgrounds are privately owned, the Sangguniang Barangay shall make the necessary arrangement with the landowner to achieve the purposes of this Ordinance and if no voluntary arrangement is effected, the Sangguniang Barangay concerned shall initiate the necessary recommendation to the City Government of General Santos for the expropriation thereof.

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.

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 General Santos, the Homeowners Association shall make the necessary recommendation to the City Government of General Santos 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 responsibility of the Sangguniang Barangay. 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. Best Barangay Park in General Santos City. – The agency that will lead the annual best barangay park competition will be the CSWD through the LCPC and the judging will coincide during the annual assessment of the BCPC in every barangay.

Section 6. 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.

Section 7. 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 (CENRO), 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 8. Mechanisms for Enforcement. - To effect faithful enforcement of this Ordinance, the following are hereby mandated:

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.

Section 9. Role of the Local Council for the Protection of Children (LCPC). - The LCPC is hereby mandated to monitor compliance with the provisions of this Ordinance and to recommend measures necessary for its effective enforcement.

Section 10. Fund. – The local government will allocate necessary funding for this purpose.

Section 11. Separability Clause. - 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 12. Repealing Clause. – All resolutions, ordinances, memoranda and other issuances inconsistent with this ordinance are hereby repealed or modified accordingly.

Section 13. Effectivity. – This ordinance shall take effect fifteen days after its publication in a local newspaper of general circulation within the City of General Santos.

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