

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4723



Introduced by **HON. RENE L. RELAMPAGOS**
First District, Bohol

EXPLANATORY NOTE

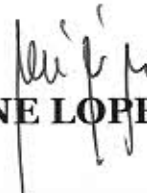
Public Parks offers countless value to our citizens and to our country. More than its tourism value, parks serve historical, cultural, social, economic, recreational and environmental functions to the community. As Franklin D. Roosevelt once said, "The fundamental idea behind the parks is native. It is, in brief, that the country belongs to the people – that it is in process of making for the enrichment of the lives of all of us. The parks stand as the outward symbol of the great human principle."

On January 14, 1963, President Diosdado Macapagal issued Executive Order No. 30 creating an Executive Committee for the development of the Quezon Memorial Circle, Luneta and other national parks in the country. Thereafter, the Executive Committee was renamed "National Parks Development Committee" (NPDC).¹ In 1987, NPDC was attached to the then Ministry, now Department of Tourism.² And in 1999, Executive Order No. 160³ reorganized and designated the members of the NPDC.

At present, the NPDC is tasked to develop, administer, and manage the Rizal Park in Ermita, Manila, the Paco Park in Paco, Manila and the Pook ni Maria Makiling Forest Park in Los Banos, Laguna.

This bill seeks to strengthen the current functional and structural organizations of NPDC and renaming it "Urban Parks Development Authority" (UPDA). Specifically, it will define its jurisdiction by limiting it to "all urban parks," thus, separating the national parks under the authority of the Department of Natural Resources. At the same time, the proposed measure will expand jurisdiction of UPDA to "all urban parks in the country," thus, ensuring an inclusive and standard approach to planning, development, operation, maintenance and promotion of parks in the entire country. Necessarily, the structural complement of the proposed UPDA, which will still be an attached agency of the Department of Tourism, will have to be strengthened to respond to the expanded powers and functions.

In view of the foregoing, the passage of the instant bill is earnestly sought.


RENE LOPEZ RELAMPAGOS

¹ Executive Order No. 69 dated February 7, 1964 also by President Diosdado Macapagal

² Through Executive Order No. 120-A dated January 30, 1987 by President Corazon Aquino

³ Issued by President Joseph Estrada dated October 13, 1999

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4723

Introduced by **HON. RENE L. RELAMPAGOS**
First District, Bohol

AN ACT
REORGANIZING AND STRENGTHENING THE NATIONAL PARKS
DEVELOPMENT COMMITTEE, RENAMING THE SAME "URBAN PARKS
DEVELOPMENT AUTHORITY," AND FOR OTHER PURPOSES

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. Title. This Act shall be known as the "National Parks Development Committee Reorganization Act."

SEC. 2. Reorganization. The National Parks Development Committee is hereby reorganized and renamed "Urban Parks Development Authority" and hereafter referred to as Authority.

SEC. 3. Declaration of Policy. The State shall promote, encourage and develop tourism as a major national activity. To achieve these objectives, the planning, construction, supervision, development, operation, maintenance and promotion of urban parks in the country shall be vested in a single government agency.

SEC. 4. Mandate. The Authority shall be the primary government agency vested with the responsibility to plan, construct, supervise, develop, operate, maintain and promote all urban parks throughout the country, as well as the infrastructure facilities directly and immediately necessary thereto.

The Authority is hereby declared, and shall continue to be, an attached agency of the Department of Tourism.

SEC. 5. Urban Parks. For purposes of this Act, an urban park is defined as a parcel of land and/or body of water, belonging to the national government, which is set aside for the recreation or relaxation of people, and which also provides information or promotes public awareness of some scientific or artistic matter or some matter pertaining or belonging to the national cultural heritage; Provided, however, that parks which are under the administrative jurisdiction of the Department of Natural Resources are excluded from the provisions hereof.

All parks and infrastructure facilities which are being constructed or are completed and being maintained by the National Parks Development Committee are included in the mandate of the Authority, such as but not limited to the following parks and infrastructure facilities in Metro Manila: Rizal Park, P. Burgos Center Islands, Plaza Salamanca, Freedom Park, Paco Park, and Legazpi Monument.

SEC. 6. Powers and Functions. The Authority shall have the following powers and functions:

- a. Formulate policies, plans, programs and projects to carry out the mandate of the Authority;
- b. Construct, supervise and pay for the construction, repair, and maintenance of infrastructure works within an urban park and other facilities and services in such park in coordination with appropriate government offices and agencies and as determined in specific programs and project plans and specifications;
- c. Coordinate with concerned government agencies the provision of social infrastructure requirements supporting an urban park such as social and recreational outlets, and other necessary amenities for the social upliftment of the populace and the preservation of ecological balance;
- d. Take water, in coordination with appropriate government agencies, from any public stream, river, creek, lake, spring or waterfall as well as alter straighten, obstruct or increase the flow of water in streams or in water channels intersecting or connecting therewith or contiguous to its works or any part thereof, for purposes of enhancing the attractiveness or usefulness of an urban park;
- e. Acquire by purchase or negotiation and, when such purchase or negotiation is not feasible, by expropriation through judicial proceedings, private land within or without an urban park, for any of the following reasons:
 1. Acquisition of right of way to any of the infrastructure works and civil works mentioned in foregoing Subsection (b); and
 2. Acquisition of any other kind of easement;
- f. Fix, collect and disburse fees and other charges, to finance its operations;
- g. Develop and implement in urban parks recreational, socio-cultural, and educational programs and activities that will contribute to the enrichment of national identity and heritage;
- h. Hire or engage and pay for the services of personnel to maintain law and order and assure the security of urban parks, the infrastructural works mentioned in the preceding Subsection (b) and the materials and equipment needed for the construction, operation and maintenance thereof, and the office premises and other properties of the Authority;
- i. Acquire, lease, own or possess such personal and/or real property necessary in carrying out its mandate, powers and functions under this Act; and lease, mortgage, sell, alienate or otherwise encumber or dispose of

its personal and real property when necessary in the performance of its functions;

- j. Solicit, negotiate with, and receive from, any public or private, domestic or foreign sources legacies, gifts, donations, grants endowments, contributions or other transfers of ownership and/or possession of real or personal properties of all kinds in favor and for the benefit of the Authority; Provided, however, that its Administrator shall prescribe, in accordance with pertinent accounting and auditing laws, rules and regulations, the measures necessary for the proper use, maintenance and safekeeping of such legacies, gifts, donations, grants, endowments, contributions or other transfers and the compliance of the terms and conditions thereof, if any;
- k. Contract loans, credits and other indebtedness, or issue bonds, subject to existing laws, rules and regulations, when necessary, for the proper accomplishment of the purposes of this Act or the mandate of the Authority;
- l. Establish, promote and sponsor training programs for its professional and technical personnel;
- m. Do any and all other acts and things necessary, convenient, and expedient to be done to carry out the mandate, powers and functions of the Authority;

SEC. 7. Administrator. The Administrator of the Authority should be a Filipino citizen, with proven executive competence and experience in the field of parks development. The Administrator shall be appointed by the President of the Philippines for a term of six (6) years;

The Executive Director of the National Parks Development Committee, incumbent at the approval of this Act, shall be the Administrator of the Authority, without need of appointment and subject to the provisions of this Act.

SEC. 8. Powers and Duties of the Administrator. The responsibility for the exercise of the mandate of the Authority and the performance of its powers and functions shall be vested in the Administrator.

For such purposes, the Administrator shall have the following functions:

- a. Promulgate rules, regulations and other issuances necessary to carry out the Authority's mandate, functions, policies and programs;
- b. Establish policies and standards for the efficient, effective and economical operation of the Authority in accordance with the policies and programs of the Department of Tourism;
- c. Exercise supervision and control over all programs and properties of the Authority;
- d. Delegate authority for the performance of any of his/her administrative or substantive functions to the Deputy Administrator;

- e. Appoint, promote, remove, suspend, reprimand or otherwise discipline, for cause, any subordinate officer or personnel pursuant to civil service laws, rules and regulations; Provided, however, that the disciplinary investigation or proceeding may be delegated to the Deputy Administrator; Provided further, that the function to suspend for a period of not exceeding fifteen (15) days, reprimand or otherwise discipline for cause may be delegated in the same manner and with the same requirements as in the preceding proviso, the decision is appealable within fifteen (15) days from receipt thereof to the Administrator; and
- f. Perform other functions as may be provided by law or properly assigned by the Secretary of Tourism;

SEC. 9. Deputy Administrator. The Administrator shall be assisted by a Deputy Administrator who shall be appointed by the President for a term of six (6) years.

The Deputy Executive Director of the National Parks Development Committee, incumbent at the approval of this Act, shall be the Deputy Administrator of the Authority, without need of appointment and subject to the provisions of this Act.

The Deputy Administrator shall have the following functions:

- a. Advise the Administrator of the promulgation of executive orders and other issuances that may be applicable to the Authority and its officers and personnel;
- b. Exercise supervision and control over units, officers and personnel of the Authority on behalf of the Administrator; and
- c. Perform other functions as may be properly assigned by the Administrator;

SEC. 10. Administrative Office. The Authority shall have an Administrative Office with the following functions:

- a. Develop and maintain a personnel program which shall include recruitment, selection, appointment, training, positions classification and compensation, performance evaluation, employees relations and welfare services;
- b. Provide the Authority with services related to personnel, records, supplies, equipment, medical, collections and disbursements, security, general or other related services; and
- c. Perform other functions as may be properly assigned to it by the Administrator or Deputy Administrator by authority or order or the Administrator.

SEC. 11. Legal Office. The Authority shall have a Legal Office with the following functions:

- a. Render legal services and perform advisory and consultative functions to the Authority;

- b. Undertake the investigation, evaluation administrative and hearing of administrative cases against personnel of the Authority;
- c. Initiate legal proceedings, whenever deemed necessary, toward the collection and enforcement of debts and claims, and the restitution of funds and property due to the Authority; and
- d. Perform other functions as may be properly assigned to it by the Administrator or Deputy Administrator by authority or order or the Administrator.

SEC. 12. Financial Management and Accounting Office. The Authority shall have a Financial Management and Accounting Office with the following functions:

- a. Prepare budgetary estimates and financial work plans of the Authority;
- b. Develop and improve budgetary methods, procedures and justifications;
- c. Review performance reports to determine conformity with set standards;
- d. Prepare financial reports required for the management of the Authority and financial statements as may be required by the Commission on Audit, Department of Budget and Management and other government agencies; and
- e. Perform other functions as may be properly assigned to it by the Administrator or Deputy Administrator by authority or order or the Administrator.

SEC. 13. Internal Audit Office. The Authority shall have an Internal Audit Office with the following functions:

- a. Formulate and develop plans, programs, operating standards and administrative techniques for the implementation of auditing and accounting laws, rules and regulations governing the financial operations of the Authority;
- b. Conduct an internal audit of the financial operations of the Authority and advise the Administrator of the results of the same; and
- c. Perform other functions as may be properly assigned to it by the Administrator or Deputy Administrator by authority or order or the Administrator.

SEC. 14. Arts, Culture and Tourism Office. The Authority shall have an Arts, Culture and Tourism Office with the following functions:

- a. Develop, implement and regulate recreational, socio-cultural and educational programs and activities that will contribute to the enrichment of national identity and heritage;

- b. Provide entertainment as well as educational values to all regular program activities for the local and foreign tourists in particular and park promenades in general;
- c. Coordinate with the local government unit when the urban park is located, concerning promotion and program activities in the respective park regarding arts and culture;
- d. Coordinate with various non-governmental organizations, government organizations and foreign institutions and international agencies for the enhancement of cultural cooperation;
- e. Assist in the planning and implementation of tourism projects related to arts and culture;
- f. Provide guiding services and assistance to foreign and local tourists; and
- g. Perform other functions as may be properly assigned to it by the Administrator or Deputy Administrator by authority or order or the Administrator.

SEC. 15. Purchases and Contracts. All purchases of equipment, materials, supplies or contracts for services, except for personal services, entered into by the Authority, shall be done through competitive bidding in accordance with pertinent rules and regulations.

SEC. 16. Position Structure and Staffing Pattern. Upon approval of this Act, the officers and employees of the National Parks Development Committee shall, in a hold-over capacity, continue to perform their respective functions and their responsibilities and receive their corresponding salaries and benefits under existing laws, rules and regulations.

The position structure and staffing pattern of the Authority shall, under the direction of the Chief Executive Officer of said Committee be completed within sixty (60) days from the effectivity of this Act and shall be approved by the Secretary of Tourism within the same period from receipt thereof. The authorized position created shall be filled with regular appointments by the Administrator, in accordance with civil service laws, rules and regulations.

Incumbents whose positions are not included in the new staffing pattern or who are not re-appointed shall be deemed separated from the service. Whether permanent, temporary, contractual or casual, the separated employees shall receive the retirement benefits to which they may be entitled under existing laws, rules and regulations. Otherwise, they shall be paid the equivalent of one-month basic salary for every year of service in the government or fraction thereof, computed on the basis of the highest salary received, and an additional sum equivalent to three months of the current basic salary.

SEC. 17. Additional Units or Positions. The Authority may create and maintain additional organizational units or positions insofar as they are necessary for the effective, efficient and economical performance of its mandate, powers and functions but subject to the approval of the Department of Budget and Management.

SEC. 18. Government Agencies Abolished. All government agencies presently charged with the responsibility of taking care of urban parks are hereby abolished and their appropriations, funds, records, equipment, facilities, choses in actions, rights and other assets are hereby transferred to the Authority, together with their personnel who may be necessary for the proper accomplishment of the Authority's mandate. The personnel of the abolished government units shall, in a hold-over capacity, continue to perform their duties and responsibilities and receive their corresponding salaries and benefits unless in the meantime they are duly separated from the service. Incumbents whose positions are not included in the new staffing pattern as duly prescribed and approved shall be deemed separated from the service and shall be entitled to such compensations and benefits as may be authorized by law. The liabilities of the abolished government units shall, if any, be treated according to existing auditing laws, rules and regulations.

SEC. 19. Periodic Performance Evaluation. The Authority is hereby mandated to formulate and enforce a system of evaluating periodically the performance of its officers and personnel. This evaluation shall be submitted annually to the Secretary of Tourism within one month after the end of every calendar year.

SEC. 20. Notice or Consent Requirement. If such organizational change herein authorized is of such substance or materiality as to prejudice third persons with rights recognized by law or by contract, such that notice or consent of creditors is required to be made or obtained pursuant to any agreement entered into with any of such creditors, such notice or consent requirement shall be complied with prior to the implementation of such organizational change.

SEC. 21. Funding. Funds needed to carry out the provisions of this Act shall be taken from the available funds of the National Parks Development Committee.

SEC. 22. Separability Clause. – The provisions of this Act are declared separable and in the event of any such provision is declared unconstitutional, the other provisions, which are not affected, shall remain in force and effect.

SEC. 23. Repealing Clause. – All other laws, decrees, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are repealed, amended or modified accordingly.

SEC. 24. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,