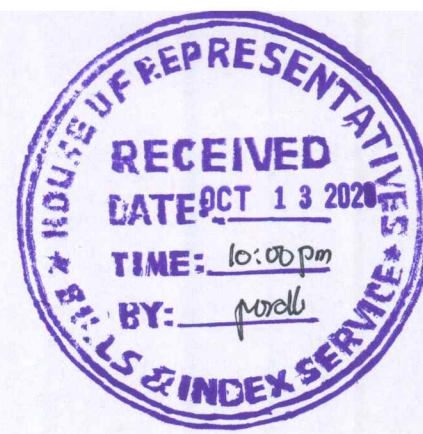


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. 7872



Introduced by Representative **EVELINA G. ESCUDERO**

EXPLANATORY NOTE

The Constitution provides that “[t]he State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.”

Public parks provide a range of social, health, economic, and environmental benefits to the community. They are essential components for enhancing the livability of an area and improving the quality of life of its residents. Not only do they negate the impacts of rapid and massive urbanization and population growth, but they also enhance the benefits that green and open space provides.¹ Additionally, public parks preserve and showcase the community’s history and cultural heritage.

Acknowledging the importance of public parks in the promotion of public welfare, on January 14, 1963, President Diosdado Macapagal issued Executive Order No. 30 creating an executive committee, now called the National Parks Development Committee (NPDC), tasked with development of the Quezon Memorial Circle, Rizal Park, Paco Park and other national parks in the country. Today, the NPDC manages only the Rizal Park and Paco Park as the management of the other parks were assumed by the local government units or other government agencies.

The Nayong Pilipino Foundation (NPF), on the other hand, was created by virtue of Presidential Decree No. 37 by President Ferdinand E. Marcos. Although its primary objective is to promote research and development projects in social sciences, humanities and related fields, it is fundamentally known for its secondary purpose - the establishment of parks and recreation centers for the promotion of tourism in the country. The NPF was granted a parcel of land in Pasay where it operated the Nayong Pilipino Cultural Park. However, in July 2002 the land was appropriated for the Manila International Airport by virtue of Executive Order No. 11 issued by President Gloria Macapagal Arroyo. The NPF then transferred the Nayong Pilipino Park to the Clark Freeport Zone in Pampanga, where it still operates today by virtue of a Memorandum of Agreement between NPF and Clark Development Corporation. The NPF has a 9.5 hectare property at the Central Business Park, Manila Bay Reclamation Area, Parañaque City, which remained undeveloped due to changes in the composition of its Board of Trustees, composed of private individuals, and issues with lease agreements entered into with various entities.

In relation to the objectives of NPDC and NPF, an equivalent effort was launched by the Department of Budget and Management (DBM) in 2017 called the Green, Green, Green Program. It is the government’s public open space development program to assist the country’s 145 cities in making their communities more livable, sustainable, and well-connected. As a parallel endeavor to the massive national

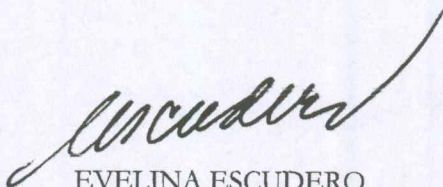
¹ “Public Parks and Open Spaces-A Planning and Development Guide.” The Alliance for Safe, Sustainable & Resilient Environments (ASSURE). Available at <https://chm.cbd.int/api/v2013/documents/9D0D456A-FAC1-9806-3B90-21B37D4DEE5B/attachments/Public%20Parks%20and%20Open%20Spaces%20-%20A%20Planning%20and%20Development%20Guide.pdf>.

infrastructure development program- the Build, Build, Build, Php2.5 billion has been appropriated for the Green, Green, Green Program in the 2018 national budget.²

This bill seeks to combine all government resources, as well as streamline and strengthen the functional and structural organizations of NPDC and NPF, by merging the two entities and naming the new entity as the "Urban Parks Development Authority" (UPDA) to better serve their purpose. The bill defines UPDA's jurisdiction as limited only to "all urban parks," thus, distinguishing and separating the national parks under the UPDA of the Department of Natural Resources. Moreover, the bill expands the jurisdiction of UPDA to "all urban parks in the country," thus, ensuring the development and maintenance of more parks through an inclusive and standard approach to planning, development, operation, maintenance and promotion of parks in the country. As an attached agency of the Department Of Tourism (DOT), the UPDA shall complement the latter's programs and activities.³

Finally, the bill is mindful of the cause it may entail to the current employees of both agencies concerned and this must not result in any form of injustice and undue damage. Consequently, it is not meant to cause the lay-off of government workers in both agencies but to revitalize and make them efficient. Moreover, as a mere proposal, it is subject to further evaluation, especially in the treatment of employees who will be affected because of the merger.

In view of the foregoing, consideration of this bill to address the intended purpose is respectfully requested.



EVELINA ESCUDERO

² "Green, Green, Green pushes city governments to build better open spaces". The Department of Budget and Management website available at

<https://www.dbm.gov.ph/secretary-s-corner/press-releases/list-of-press-releases/1092-green-green-green-pushes-city-governments-to-build-better-open-spaces>

³ NB. Most of the provisions of this Bill are patterned after House Bill 3552 filed by Rep. Rene L. Relampagos during the Seventeenth Congress and Republic Act 11333 or the National Museum Act of 1998.

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AN ACT
MERGING THE NATIONAL PARKS DEVELOPMENT COMMITTEE AND NAYONG
PILIPINO FOUNDATION INTO THE "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 Urban Parks Development Authority Act."

Sec. 2. Declaration of Policy. —The State shall promote, encourage and develop public parks to benefit the Filipino people, to contribute to the enrichment of national identity and heritage, and to encourage tourism as a major source of economic 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. 3. 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.

Sec. 4. Reorganization. —The National Parks Development Committee (NPDC), created by virtue of Executive Order No. 30, and the Nayong Pilipino Foundation (NDF), created by virtue of Presidential Decree No. 37, are hereby merged, reorganized and renamed "Urban Parks Development Authority" and hereafter referred to as the UPDA. All rights, privileges, duties and liabilities as well as all property, real or personal, and all receivables due on whatever account of the NPDC and the NPF shall be transferred to and vested to the UPDA, subject to the provisions of this Act.

Sec. 5. Mandate. —The UPDA 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. All parks, assets, and infrastructure facilities which are being constructed or are completed and being maintained by the NPDC and the NPF are included in the mandate of the UPDA.

Sec. 6. Powers and Functions. —The UPDA shall have the following powers and functions:

- a.) Formulate policies, plans, programs and projects to carry out the mandate of the UPDA;

- 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:
 - i.) Acquisition of right of way to any of the infrastructure works and civil works mentioned in foregoing Subsection (b) ; and
 - ii.) 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 UPDA;
- 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 UPDA; 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 UPDA;
- 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 UPDA.

Sec. 7. National Government Agency attached to the Department of Tourism. - The UPDA is hereby declared, a National Government Agency attached to the Department of Tourism. As such it shall:

- a.) Be classified as a National Government Agency, primarily for administrative purposes, including receiving its annual budget from the general appropriations of the National Government to cover appropriately the entirety of its mandated operations and activities;
- b.) Be considered as higher in level than a Bureau or Bureau-level agency but beneath that of a Department or Department-level agency, primarily for administrative purposes as to staffing pattern and compensation scales; and
- c.) Enjoy such privileges and special rules characteristic of both a Government-Owned or -Controlled Corporation wherever possible and which, in any and all cases, promote the objectives of this Act; and that special rules as may be necessary to this effect be formulated and appropriately promulgated by the UPDA, the Department of Budget and Management, the Commission on Audit, and other concerned agencies.

Sec. 8. *Composition of the UPDA.* —The UPDA shall be governed by a Board of Trustees, hereinafter referred to in this Act as the "Board", composed of the following:

Secretary, Department of Tourism	Chairperson
Administrator, UPDA	Vice-Chairperson
Chief Operating Officer, Tourism Infrastructure & Enterprise Zone Authority (TIEZA)	Member
Chief Operating Officer, Tourism Promotions Board (TPB)	Member
Administrator, Intramuros Administration (IA)	Member
Mayor, City of Manila	Member
Undersecretary, Department of Public Works and Highways (DPWH)	Member
Undersecretary, Department of Environment and Natural Resources	Member
Two representatives from the private sector	Members

Sect. 9. *Powers and Functions of the Board.* —The Board, shall have the following powers and functions:

- a.) To represent and mobilize pertinent areas of the private sector and the public sector in support of the mission and aims of the UPDA;
- b.) To exercise general oversight on behalf of both the private and public sector over the operations and performance of the UPDA through the Administrator;
- c.) To approve strategic policies, goals and directions for the UPDA where necessary, and any such special projects and programs as it may consider appropriate to carry out for its benefit, for implementation through the Administrator;
- d.) To administer the UPDA funds;

- e.) To consider and appropriately dispose of appeals regarding administrative decisions of the Administrator, where appropriate in line with pertinent laws and issuances; and
- f.) To carry out such other functions as provided herein, as well as in other pertinent laws and issuances.

Sec. 10. *Private Sector Representatives.* —The two private sector representatives shall be appointed by the President of the Philippines for a term of four (4) years, and are eligible for reappointment to succeeding terms of four (4) years, based on merit and performance. Appointment to a position vacated due to death, disability, resignation or any similar cause, shall be for the duration of said unexpired term only.

Each representative must have a demonstrated personal or professional commitment to the mission and aims of the UPDA and is a distinguished Filipino architect or environmental planner with a proven track record or competency in the planning, design and development of sustainable public open spaces that meet the leisure, recreation and sport needs of Philippine cities.

Sec. 11. *Compensation of the Board.* —The members of the Board shall serve without compensation. The members of the Board representing the private sector shall be entitled to an appropriate honorarium for attendance at meetings, in accordance with pertinent laws and guidelines, and all members may receive appropriate allowances and reimbursement of expenses related to travel and participation in the official activities of the UPDA, within the Philippines and overseas, with the necessity of such to be certified by the Administrator and approved by the Chairperson of the Board.

Sec. 12. *Administrator.* —The Administrator of the UPDA 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 NPDC, incumbent at the approval of this Act, shall be the Administrator of the UPDA, without need of appointment and subject to the provisions of this Act.

Sec. 13. *Powers and Duties of the Administrator.* —The responsibility for the exercise of the mandate of the UPDA and the performance of its powers and functions shall be vested in the Administrator. For such purposes, subject to the control and supervision of the Board, the Administrator shall have the following functions:

- a.) Submit policy recommendations, proposed measures, regulations and other issuances necessary to carry out the UPDA's mandate, functions, policies and for the consideration of the Board;
- b.) Execute, administer and implement policies and measures approved by the Board;
- c.) Submit to the Board, in line with the national budget cycle, an annual budget and such supplemental budget as may be necessary for its consideration and approval;
- d.) Establish policies and standards for the efficient, effective and economical operation of the UPDA in accordance with the policies and programs of the Department of Tourism;
- e.) Exercise supervision over all programs and properties of the UPDA;
- f.) Delegate authority for the performance of any of his/her administrative or substantive functions to the Deputy Administrator;
- g.) 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

- h.) Perform other functions as may be provided by law or properly assigned by the Secretary of Tourism;

Sec. 14. *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 NPDC incumbent at the approval of this Act, shall be the Deputy Administrator of the UPDA, 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 UPDA and its officers and personnel;
- b.) Exercise supervision and control over units, officers and personnel of the UPDA on behalf of the Administrator; and
- c.) Perform other functions as may be properly assigned by the Administrator;

Sec. 15. *Administrative Office.* —The UPDA 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 UPDA 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 UPDA or order of the Administrator.

Sec. 16. *Legal Office.* —The UPDA shall have a Legal Office with the following functions:

- a.) Render legal services and perform advisory and consultative functions to the UPDA;
- b.) Undertake the investigation, evaluation administrative and hearing of administrative cases against personnel of the UPDA;
- 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 UPDA; and
- d.) Perform other pertinent functions as may be properly assigned to it by the Administrator or Deputy Administrator by UPDA or order of the Administrator.

Sec. 17. *Financial Management and Accounting Office.* —The UPDA Shall have a Financial Management and Accounting Office with the following functions:

- a.) Prepare budgetary estimates and financial work plans of the UPDA;
- 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 UPDA 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 pertinent functions as may be properly assigned to it by the Administrator or Deputy Administrator by UPDA or order or the Administrator.

Sec. 18. *Internal Audit Office.* —The UPDA 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 UPDA;
- b.) Conduct an internal audit of the financial operations of the UPDA and advise the Administrator of the results of the audit; and
- c.) Perform other functions as may be properly assigned to it by the Administrator or Deputy Administrator by UPDA or order or the Administrator.

Sec. 19. *Park Operations and Management Office.* —The UPDA shall have a Park Operations and Management with the following functions:

- a.) Formulate and develop plans, programs, and standards for the efficient and sustainable operation and management of the urban parks;
- b.) Maintain the hardscapes and softscapes of the parks;
- c.) Repair the infrastructures, utilities, amenities, or facilities within the urban park to ensure that the park meets the standard for safety, park-goer convenience and aesthetics; and
- d.) Perform other pertinent functions as may be properly assigned to it by the Administrator or Deputy Administrator by UPDA or order or the Administrator.

Sec. 20. *Park Architecture and Planning Office.* —The UPDA shall have a Park Architecture and Planning Office with the following functions:

- a.) Provide technical expertise in the development, creation and maintenance of aesthetically pleasing, environmentally sustainable, economically viable, and culturally sound public parks; and
- b.) Perform other pertinent functions as may be properly assigned to it by the Administrator or Deputy Administrator by UPDA or order or the Administrator.

Sec. 21. *Arts, Culture and Tourism Office.* —The UPDA 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 pertinent functions as may be properly assigned to it by the Administrator or Deputy Administrator by UPDA or order of the Administrator.

Sec. 22. *Purchases and Contracts.* —All purchases of equipment, materials, supplies or contracts for services, except for personal services, entered into by the UPDA, shall be done through competitive bidding in accordance with pertinent rules and regulations.

Sec. 23. *Position Structure and Staffing Pattern.* —Upon approval of this Act, the officers and employees of the NPDC and the NPF 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 UPDA shall, under the direction of the Board 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 positions 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 shall be reappointed to the new positions should they be qualified. Those 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. 24. *Additional Units or Positions.* —The UPDA 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. Qualified incumbent employees shall have priority in the appointment commensurate with their qualifications.

Sec. 25. *Periodic Performance Evaluation.* —The Administrator 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 Board within one month after the end of every calendar year.

Sec. 26. *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. 27. *Appropriations.* —Funds needed to carry out the provisions of this Act shall be taken from the available funds of the NPDC and the NPF. Thereafter, the amount necessary for the implementation of the provisions of this Act shall be included in the annual General Appropriations Act.

Sec. 28. *Separability Clause.* — If any provisions of this Act is held invalid or unconstitutional, the other provisions not so declared shall remain in force and effect.

Sec. 29. *Repealing Clause.* — All other laws, decrees, rules and regulations or parts thereof which are inconsistent with the provision of this Act are repealed, amended or modified accordingly.

Sec. 30. Effectivity. —This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,