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SENATE
S. No. 2322

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Introduced by Senator Miriam Defensor Santiago

AN ACT
REQUIRING CITY PLANS TO PROVIDE FOR THE CREATION OF PARKS,
RECREATIONAL FACILITIES AND OPEN SPACES

EXPLANATORY NOTE

The Constitution, Article 2, provides:

Sec. 15. The State shall protect and promote the right to health of the people and instill health consciousness among them.

Sec. 16. The 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.

UN Habitat¹ has found that current rapid urbanization in developing countries, such as the Philippines, brings about many challenges in the spatial distribution of people and resources, as well as in the use and consumption of land. In the absence of careful urban planning, citizens in cities and growing municipalities must live with the daily specter of congestion, pollution and out-dated and poorly constructed infrastructure.

The ultimate goal of this bill is to promote sustainable economic development that does not compromise environmental quality and public health in target cities. Urban planners can help create better communities by thinking long term and addressing both economic growth and environmental issues. From the environmental perspective, urban development plans need to take into account ecosystem and biodiversity protection, natural disaster prevention (such as avoiding floods or erosion), and provision of **recreational opportunities**. City authorities need to rethink public spaces such as parks, green areas, and streets. A well-designed public space not only contributes to improving the overall visual character of a city, but also invigorates economic activities and enhances its functionality. Numerous studies have shown that parks and open space increase the value of neighbouring residential property. Growing evidence points to a similar benefit on commercial property value. The availability of park and recreation facilities is an important quality-of-life factor for corporations choosing where to locate facilities.

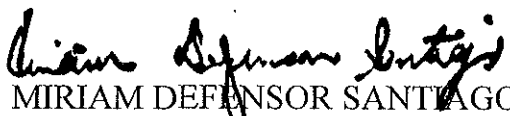
¹ UN-Habitat is the United Nations programme working towards a better urban future. Its mission is to promote socially and environmentally sustainable human settlements development and the achievement of adequate shelter for all. (<http://unhabitat.org/about-us-4/un-habitat-at-a-glance>).

City parks and open space improve our physical and psychological health. Strong evidence shows that when people have access to parks, they exercise more. Medical science has proven that regular physical activity is essential to maintaining good health and reducing the rates of chronic disease. A growing body of research shows that contact with the natural world improves physical and psychological health.

Another benefit which parks and opens spaces provide is that they promote social connectivity and diversity. The provision of public structures where residents can gather safely and provide recreational opportunities for at-risk youth will make neighborhoods more cohesive, peaceful and ultimately more attractive to residents and investors alike.

Unfortunately, few Filipinos live within walking distance of a nearby park, recreational facilities and open spaces; residents of slum areas and low-income neighborhoods do not have access to the parks found in private gated subdivisions. Gyms and sports clubs are usually by membership that must be paid for on a monthly basis.

It is the intent of this bill to promote policy and city planning efforts that increase access to inexpensive or free parks, recreational facilities and open spaces in all communities; thus, every city and municipality shall be required to prepare their land use plans in accordance with set standards, and must contain a provision for parks, recreational facilities, and open spaces.

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MIRIAM DEFENSOR SANTIAGO

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

1 AN ACT
2 REQUIRING CITY PLANS TO PROVIDE FOR THE CREATION OF PARKS,
3 RECREATIONAL FACILITIES AND OPEN SPACES

4 SECTION 1. *Short Title.* - This Act shall be known as the, "Parks, Recreational
5 and Opens Spaces Act (P.R.O.S. Act)"

6 SECTION 2. *Creation of a National Strategy for the development of Parks*
7 *Recreational Facilities and Open Spaces (PROS).* - The Secretary of the Dept. of Interior
8 and Local Governments (DILG) shall spearhead the creation of a national strategy for the
9 development and management of parks, recreational and open spaces (or PROS) in all
10 cities and municipalities.

11 In this regard, the Secretary of the DILG shall ensure that all city and
12 municipalities shall submit their comprehensive land use plan to his office. He shall also
13 facilitate optimization between neighboring cities for the establishment of locations for
14 strategic facilities.

15 SECTION 3. *Preparation of Comprehensive Land Use Plans.* - All cities and
16 municipalities shall prepare their respective comprehensive land use plans, to be enacted
17 through zoning ordinances. The comprehensive land use plan shall designate the general
18 location and extent of the uses of land for PROS.

1 Wherever possible, the land use element should consider utilizing urban planning
2 approaches that promote physical activity. The plan must contain the following:

- 3 A. A forecast of the future needs for such PROS and related facilities;
- 4 B. An inventory of existing PROS and related facilities; showing the locations
5 and capacities of the facilities;
- 6 C. The proposed locations and capacities of expanded or new PROS and related
7 facilities;
- 8 D. At least a six-year plan that will finance such PROS facilities within projected
9 funding capacities and clearly identifies sources of money for such purposes.

10 The LGU's urban planners and city engineers must consult with the Green
11 Communities Research Center in the development of their plans.

12 At least five (5) public hearings shall be conducted to determine the needs of the
13 residents who will use and benefit from the PROS system. Citizens and stakeholders
14 shall be involved in all stages of the development of these plans.

15 SECTION 4. *Creation of Green Communities Research Center.* – A research
16 center under the control of the Secretary of the DILG shall be established in order to
17 assist cities and municipalities in their urban planning. The center shall identify a set of
18 minimum standards for park and recreational facilities and open spaces that can serve as a
19 benchmark for evaluating the adequacy of each community's PROS system. In
20 developing these standards, the center shall strive for sustainable development addressing
21 both economic competitiveness, environmental issues and the peculiarities and special
22 attractions of individual communities.

23 SECTION 5. *Kinds of PROS.* – Parks, recreational facilities and open spaces or
24 PROS, as used in this Act, refer to various types of facilities that have public access.
25 These facilities are classified into the following:

- 1 A. Accessible natural and semi-natural green space – Located outside of urban
2 areas or on the urban fringe. Space used predominantly for walking. Often
3 grassy areas or woodland.
- 4 B. Allotments – Sites used for horticulture; often comprising of numerous plots
5 rented out to members of the community.
- 6 C. Urban Cemeteries – public cemeteries with sites that are large enough to have
7 some sort of recreational or strategic function qualify.
- 8 D. Built Sports Facilities – i.e. basketball courts, golf courses, leisure centers, etc.
- 9 E. Community Halls
- 10 F. Cultural Facilities – i.e. libraries, museums, tourist attractions, etc.
- 11 G. Playing Field or Park – sites that are large enough to accommodate outdoor
12 sports
- 13 H. School facilities – Educational facilities that have halls, built sports facilities,
14 or playing fields, that are open to the public in some capacity or used after
15 school.

16 SECTION 6. *Esteros to be kept clear.* – If the community is located near a river
17 or any of its tributaries or other natural bodies of water, the LGU shall ensure that public
18 easement along the banks of the waterways shall be kept free of structures, reclamations
19 or any improvement that could obstruct the flow of water. The easements shall be
20 equivalent to at least three (3) meters in width.

21 SECTION 7. *Implementing Rules and Regulations.* – Immediately after this Act
22 takes effect, a committee tasked with the formulation of the implementing rules and
23 regulations of this Act shall be created. The committee shall be composed of the
24 following:

- 25 A. the Secretary of the DILG, who shall also chair the committee;
- 26 B. a representative from the Dept. of Public Works and Highways;

- 1 C. a representative from the Dept. of Environment and National Resources;
2 D. a professor from the UP School of Urban and Regional Planning;
3 E. a professor from the University of the Philippines College of Architecture;
4 F. Representative from the Philippine Green Building Council.

5 Within six (6) months after this Act takes effect, the Committee shall submit the
6 implementing rules and regulations.

7 SECTION 8. *Authorization of Appropriations.* - To carry out the provisions of this
8 Act, there are authorized to be appropriated such sums as may be necessary for each
9 fiscal year.

10 SECTION 9. *Separability Clause.* - If any provision or part hereof, is held invalid
11 or unconstitutional, the remainder of the law of the provision not otherwise affected shall
12 remain valid and subsisting.

13 SECTION 10. *Repealing Clause.* - Any law, presidential decree or issuance,
14 executive order, letter of instruction, administrative order, rule or regulation contrary to,
15 or inconsistent with, the provisions of this Act is hereby repealed, modified or amended
16 accordingly.

17 SECTION 11. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after
18 its publication in at least two (2) newspapers of general circulation.

Approved.

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