

Republic of the Philippines  
Province of Davao del Norte  
Municipality of Braulio E. Dujali  
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**BEFORE THE SANGGUNIANG BAYAN**

**EXCERPT FROM THE MINUTES OF THE 29<sup>th</sup> REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BRAULIO E. DUJALI, DAVAO DEL NORTE HELD AT THE SB SESSION HALL ON AUGUST 04, 2011, THURSDAY.**

**PRESENT:**

HON. SAMUEL F. PACRES	Municipal Vice Mayor/PO
HON. DONNA MAE L. BALDONADO	Sangguniang Bayan Member
HON. DANIEL G. HILARIO	Sangguniang Bayan Member
HON. ROMULO S. ESMINO JR.	Sangguniang Bayan Member
HON. ALLAN S. PARAGUYA	Sangguniang Bayan Member
HON. JOELITO B. JURIANA	Sangguniang Bayan Member
HON. JULIAN J. DUJALI JR.	Sangguniang Bayan Member
HON. RAMON D. MAGTULIS III	Sangguniang Bayan Member
HON. EDUARDO M. ZAPATA	ABC Pres./ Ex-Officio Member

**ABSENT:**

HON. RESTIE E. TABIRAO	Sangguniang Bayan Member
HON. MARCELINO O. FACULA	SKF Pres./ Ex-Officio Member

**MUNICIPAL ORDINANCE NO. 2011-148**

Author: Hon. Joelito B. Juriana  
Co-author Hon. Eduardo M. Zapata

**AN ORDINANCE PROVIDING MEASURES FOR THE BEAUTIFICATION, DEVELOPMENT, MAINTENANCE AND MANAGEMENT OF THE PARK AND PLAZA IN THE MUNICIPALITY OF BRAULIO E. DUJALI, DAVAO DEL NORTE.**

**EXPLANATORY NOTE**

The Municipality of Braulio E. Dujali has now a park and plaza located in front of the Municipal Hall, wherein people can rest , enjoy and relax together with their families after a day of tedious activities at home or work. The park and plaza has amenities for recreation especially for children, therefore it is important that the Sangguniang Bayan shall adopt a measure in order to ascertain that the park and plaza is far from destruction and shall be utilized to the purpose it is established for.

BE IT ORDAINED BY THE SANGGUNIANG BAYAN THAT:

SECTION 1.DECLARATION OF POLICY.

- A) The municipality recognizes that the Park and Plaza will serve as a venue for family recreation, as well as a place for community gathering, and as such, shall promulgate measures for their maximum benefit.
- B) The municipality needs to improve the Park and Plaza and provide measures for their management, development and beautification.

- C) The private institution, non-government organizations, community organizations shall be encouraged to get involved in the development and beautification of the municipal Park and Plaza
- D) The barangay, sitios and puroks shall be called upon to assist in the maintenance, beautification and management of the municipal park and plaza.

**SECTION 2. DEFINITION OF TERMS.** In this ordinance, the following terms shall mean:

- A) Park- a public playground, public recreation center or area and other public areas created, established, designated, maintained, provided or set aside by the municipality for the purposes of public rest, play, recreation, enjoyment or assembly and all facilities and structures located thereon.
- B) Plaza- a public square or open space in the town, specifically the one fronting the municipal hall.
- C) Bunting - streamer/s served as decorations on special events such as foundation days, fiestas and other similar activities.
- D) Monument- is a building, structure, pillar, sculpture erected in memory of the dead person, event and others, usually located in the public park and plaza.
- E) Vandalism – shall refer to any defacement or destruction of the structure or a symbol, or any act that willfully and negligently damages property. In this ordinance, vandalism shall also mean those undesirable acts like making graffiti, spray painting, cutting of flowers or trees, and breaking of lighting bulbs, placing glue or chewing gum on benches and other similar behaviors.

**SECTION 3. REGULATED ACTS.** The following acts shall constitute a violation of this ordinance, to wit:

- A) Committing of any form of vandalism on the monument and various plaza improvements that include its lighting system, benches and other structures and including landscapes or putting anything that tends to desecrate and alter its physical appearance.
- B) Putting of anything that will obstruct or cover the view of the monument, or anything extraneous to the plaza that includes; but not limited to any kind of structures, unauthorized streamers or buntings.
- C) Using the plaza of holding any game of chance including bingo socials and raffle draws or operating videoke.
- D) Performing or attempting to perform acts that tend to offend or violate public morals and customs.
- E) Defecating or urinating under the trees, on playground structures including landscapes or anywhere within the park and plaza.
- F) Cutting, chopping or destroying plants, trees or any ornamental plants or flora for landscaping and beautification of the municipal park and plaza without authority or causing acts that tend to destroy their original setting.
- G) Parking or driving vehicle inside the municipal park and plaza.

**SECTION 4. PROVISIONS CONDITIONS IN THE USE OF MUNICIPAL PARK AND PLAZA.** The following shall govern the use of the Municipal Park and plaza:

- A) The municipal park and plaza shall be kept free and clear for the use of the public and the same shall not be used or occupied for any purpose, whatsoever, other than that for leisure and recreation including group exercises, holding sports activities and meetings.
- B) Any person or group of persons organizing or conducting public assemblies under Batas Pambansa Bilang 880 are allowed to use the municipal park and plaza herein

established without the need of securing permit from the Office of the Municipal Mayor prior to the use of park for information purposes only and to enable the municipality to prepare for necessary security measures, in cases where the assembly is likely to cause peace and order concerns.

- C) Temporary putting of booths and stalls is hereby allowed for official activities sponsored by the municipality during special occasions such as Araw ng Dujali, Araw ng Braulio E. Dujali, local fiestas and trade fairs in accordance with Section 458 of Republic Act 7160.
- D) Ice cream vendors and other itinerant vendors maybe allowed to operate within the park and plaza, provided that they pay applicable fees and taxes for the exercise of their occupation, and provided further that they shall not set up permanent or semi-permanent stalls or structures within the park and plaza for the advancement of their trade.

SECTION 5.BUDGETARY REQUIREMENT. There shall be an annual budget of not less than P200,000.00 intended for the maintenance, development and management of the municipal park and plaza, to be taken from the General Fund.

SECTION 6.ADMINISTRATIVE PROVISION.

- A) MANAGEMENT – The municipal park and plaza shall be managed by the Municipal Environment and Natural Resources Office (MENRO) whose functions include the evaluation and inventory of the park and plaza, overseeing the cleanliness and maintenance of the park and plaza, recommending projects for the improvement and development of the park and plaza, and enforcing the provision of this ordinance.
- B) MENRO –Through Park Maintenance General Foreman, shall submit a status report to the Municipal Mayor and furnish a copy to the Sangguniang Bayan, within the first month after the effectivity of this ordinance and shall submit monthly monitoring report.

SECTION 7.PENALTY. Any individual or group of persons who shall be guilty of any of the regulated acts herein defined or violate any other provision in this ordinance shall pay the following:

First offense: P 500.00

2<sup>nd</sup> offense: 1,000.00

3<sup>rd</sup> offense : 2,000.00 or imprisonment of not less than 5 days depending on the discretion of the proper court.

SECTION 8.SEPARABILITY CLAUSE. If any section or portion of this ordinance is declared unconstitutional or invalid by a competent authority, the other sections or provisions hereof which are not affected shall continue to be in full force and effect.

SECTION 9. EFFECTIVITY. This ordinance shall take effect upon approval.

CERTIFIED TO BE ENACTED by the Sangguniang Bayan during the conduct of its 29<sup>th</sup> regular session on August 04, 2011.

JULIET E. DAANTON  
Secretary to the Sanggunian

Attested to be duly adopted:

SAMUEL F. PACRES  
Municipal Vice Mayor  
Presiding Officer

Approved:

LOLITA A. MORAL  
Municipal Mayor