

ORDINANCE NO. 2005-010

(Author : Hon. Jesus R. Cuyugan)

AN ORDINANCE ADOPTING THE CITY OF SAN FERNANDO (P) COMMUNAL GARDENING PROGRAM ON IDLE LANDS OF SUBDIVISIONS, RESIDENTIAL AREAS, AND PUBLIC LANDS IN THE CITY OF SAN FERNANDO, PAMPANGA AS PART OF THE CITY'S CLEAN AND GREEN PROGRAM INCLUDING THE RULES & REGULATIONS GOVERNING ITS IMPLEMENTATION AND THE CREATION OF ITS COMMITTEES, FURTHER SPECIFYING THEIR FUNCTIONS, DUTIES AND RESPONSIBILITIES THEREOF

EXPLANATORY NOTE

WHEREAS, the City of San Fernando includes in its 8-point agenda the protection and preservation of the environment and adopts mechanisms to help improve the lives of its constituents by helping them cope with the rising cost of living by ensuring food security in their midst;

WHEREAS, the Sangguniang Panlungsod, through the Committee on Cooperatives and Agriculture together with the City Agriculture, Veterinary, and Environment and Natural Resources Officer (CAVENRO) had brainstormed with the officials of LGUs who have successfully adopted communal farming including but not limited to the mechanics of the project;

WHEREAS, to manifest the commitment to promote a leadership that is pro-people and pro-environment, the City Government encourages private citizens' participation and invites them to join in this very significant undertaking;

WHEREAS, the CAVENRO is hereby delegated to supervise the Committee on Communal Gardening Project as part of the Clean and Green Program of the City of San Fernando, Pampanga;

WHEREAS, the Sangguniang Panlungsod in session assembled adopts as it hereby adopts the following Ordinance:

ARTICLE I

Title

Section 1. Title. - *This Ordinance shall be known and cited as the Communal Gardening Ordinance of the City of San Fernando, Pampanga.*

Section 2. Coverage - This Ordinance shall find application to all subdivisions' open spaces that are idle and privately-owned but idle lands in subdivisions and residential areas in the city's 35 barangays. It shall also apply to all public idle lands such as but not limited to the shoulders of national, provincial, city roads, creeks, dikes canals and similar water tributaries in the City of San Fernando, Pampanga.,

Section 3. Purpose. - This Ordinance is enacted for the following purposes:

- a. To help ensure food security among our residents in the city;
- b. To maintain a clean and sanitary condition of idle lands in the city whether these lands are publicly or privately-owned;
- c. To help promote a healthy citizenry through cleanliness and orderliness in our midst;
- d. To encourage residents and property owners to appreciate further mother earth and share in its fruitful development by utilizing idle lands whether publicly or privately owned, as part of city government's thrust of environmental protection and preservation;

e. To encourage people participation in converting the City of San Fernando as an Eco-Tourism destination; and

f. To foster friendship, camaraderie and unity among our people vis-à-vis productive undertakings of the city government.

ARTICLE II ADMINISTRATIVE PROVISIONS

Section 4. Creation of the Committees on Communal Gardening.

4.1 The Executive Committee. - The Executive Committee on Communal Gardening is hereby created to directly oversee the implementation of this Ordinance that shall be composed of the following:

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| 1. The City Mayor | - | Chairman |
| 2. City Agriculturist | - | Action Officer |
| 3. ABC President | - | Member |
| 4. SK Fed. President | - | Member |
| 5. Homeowners' Associations' Fed President | - | Member |
| 6. Representatives of NGOs | - | Member |
| 7. Representative from the DILG | - | Member |
| 8. Senior Citizens' Representative | - | Member |
| 9. City Schools Superintendent | - | Member |
| 10. City Cooperatives | - | Member |
| 11. Chief, GSO | - | Member |
| 12. City Assessor | - | Member |
| 13. City Engineer | - | Member |
| 14. CPDO | - | Member |
| 15. All Chairman, Comm. on Agriculture, Barangay Level- | - | Members |

4.1A Duties, Functions and Responsibilities of the Executive Committee. - The following shall be the duties, functions and responsibilities of the Executive Committee on Communal Gardening Program:

1. Prepare the Clean and Green Program of the City Government;
2. Formulate the necessary information, orientation and or education of all concerned parties covered by this Ordinance;
3. Coordinate the implementation of the Clean and Green Program with the city's 35 barangay Councils, Homeowners' Associations, and non-government organizations in the city;
4. Review, inspect and monitor the implementation of this program;
5. Encourage private sector initiative and community participation to achieve the objectives of this program;
6. Provide technical and other similar assistance to barangay and subdivision officials or homeowners' associations in the implementation of this program;
7. Prepare incentive schemes for purposes of ensuring cooperation and efficient and effective involvement in achieving the objectives of this program.

4.2 The Sub-Committees - The following Sub-Committees on Communal Gardening are hereby created to support the Communal Gardening Program and ensure the effective implementation of the programs and projects of this Ordinance, to wit:

4.2a Committee on Information and Educational Campaign. - This committee shall be in charge of massive information dissemination using all forms of mass media and interpersonal relations including thereon the integration of Waste Management Advocacy campaign in all areas covered by this Ordinance. It shall be composed of the following:

- DepEd
- NGOs
- Homeowners' Associations
- ABC
- SK
- ABK

4.2b Survey & Designation of Potential Planting Areas and Cleaning Activities/Tree planting activities/Vegetable Planting Program. -

This committee shall take charge of identifying potential planting areas and cleaning activities within the confines or coverage of this Ordinance, including thereon the giving of appropriate notices/requests to all real property owners and the necessary negotiation for the use and assignment to prospective beneficiary/ies on the use of these aforementioned real properties that may be the subject of the implementation of the Communal Gardening Ordinance.

This committee shall be in charge of the tree planting activities of the city government that shall be exclusive only to public but idle lands including but not limited to the shoulders of the national highways, dikes, canals and all water tributaries within the territorial jurisdiction of the city.

It shall be composed of the following:

- City Agriculturist
- City General Services Office
- City Assessor
- City Engineer
- ABK
- Chair, Comm. on Agriculture (Brgy. Level)

4.2c Monitoring and Evaluation.- This committee shall be tasked to monitor the use of the real properties covered by this Ordinance. It shall also take charge of the monitoring and evaluation of the vegetables or crops planted on all areas covered by this Ordinance and thereafter submit a written report to the Executive Committee every 15th day of the month or as often as necessary including thereon its recommendations or comments necessary for the effective implementation of this Ordinance. This committee shall be composed of the following:

- City Agriculturist
- Cooperatives' Representative
- Senior Citizens' Representative
- GSO
- CPDO

5.2d Logistics - This committee shall be in charge of provision of the necessary support in the implementation of this Ordinance. Provided, however, that the budget needed for this project has been properly reviewed and favorably recommended by the sub-committee in-charge. It shall be composed of the following:

- DILG City Agriculturist
- CEO
- GSO
- CPDO

4.3 Barangay Level Committee - This committee shall be tasked to implement this Ordinance in barangays where there exists idle land whether these are private residential areas or classified as public domain. It shall be composed of the following:

- Barangay Kagawads as chair of the Committee on Agriculture
- PTA Presidents
- School Principals

ARTICLE III MECHANICS OF IMPLEMENTATION

Section 5. Inspection and Survey of Idle Lands. - There shall be an inspection and survey of all idle lands on all subdivisions and residential areas in the City of San Fernando, Pampanga by the Executive Committee on Communal Gardening under the supervision of the City Agriculture, Veterinary and Environment and Natural Resources Office (CAVENRO) to determine the number of idle and vacant lots that may be the subject of coverage of this Ordinance.

Section 6. Notification of Property Owners. Property owners whose properties may be subject to the coverage of this Ordinance shall be notified by the Executive Committee on Communal Gardening through their respective Homeowners' Association Officers and Punong Barangays respectively for this purpose. All those who are amenable to subject their real properties under the coverage of this Ordinance shall enter into a Memorandum of Agreement (MOA) with the Executive Committee on Communal Gardening for the use of their real properties that are idle, subject to stringent stipulation that only cash crops shall be planted thereon and for a minimum period of one (1) month and a maximum period of six (6) months. Provided however, that comes the time that the real property owner decides to use the property, he or she shall wait for the time the cash crops planted into it shall be terminated or harvested. Provided furthermore, that in the event, the property owner shall insist for the immediate return of his or her property, he or she shall make corresponding compensation to the cultivator/s, equivalent to the projected cost of the harvest of the plants planted in his or her property.

Section 7. Property owners who refuse coverage of their Real Properties. Property owners who refuse coverage of their properties under this Ordinance are hereby obliged to clean and maintain the sanitary conditions and upkeep of their real properties. If the property owners or their administrators can not be located after diligent efforts, the Executive Committee shall order the cleaning and upkeep of such real properties, subject however to a condition that any expenses incurred in the cleaning and upkeep of the same shall be charged to the account of the real property owner and shall constitute a lien to that real property.

Section 8. Assignment of Idle Lands. The Executive Committee on Communal Gardening in cooperation with the Homeowners' Associations and Punong Barangays shall assign tillers/cultivators of the identified idle lands that shall benefit from this program.

8.1 Subdivisions - The Executive Committee shall coordinate with the Officers of Homeowners' Associations as to the assignment of communal gardening areas among homeowners in their respective subdivisions. The Homeowners' Association shall devise mechanism, i.e. assignment of idle lands to adjacent property owners, or assigning marked plots to prospective cultivators/tillers, that would be equally productive to all. They may also agree from among themselves as to how they would market for their harvest or produce.

8.2 Barangays - The Executive Committee shall coordinate with the Punong Barangays and Barangay Councils as to the assignment of communal gardening among barangay residents. The Barangay Council through the Chair, Committee on Agriculture shall devise mechanism, i.e. assignment of idle lands to adjacent property owners, or assigning marked plots to prospective cultivators/tillers, that would be equally productive to all. They may also agree from among themselves as to how they would market for their harvest or produce.

8.3 Health Centers - The Executive Committee in coordination with the Health Personnel of the Rural Health Centers of the City Government shall endeavor to clean idle public lands within their respective jurisdiction and shall be tasked to plant

papaya and herbal plants that shall initiate herbal gardening in the City of San Fernando, Pampanga.

Section 9. Cleaning and Greening of Privately-owned Idle Lands. By virtue of this Ordinance, the Executive Committee on Communal Gardening through the CAVENRO shall enjoin prospective cultivators/tillers to initiate the cleaning of the identified privately-owned idle lands in subdivisions and barangays after the necessary Memorandum of Agreement has been entered into by and between the Executive Committee on Communal Gardening through the CAVENRO and the property owners whose properties have been subject of this Ordinance for the purpose of planting them with vegetables and root crops, based on the following terms and conditions:

9.1 The idle land/s shall be used exclusively for the planting of vegetables and root crops;

9.2 No permanent structures shall be allowed construction in the area;

9.3 In case the property owner would need the property, he or she shall send notice to the Executive Committee for this purpose, however, if the property is presently planted with crops, he or she shall wait until said crops are harvested, otherwise, he or she shall be compelled to pay the cultivator/s the projected cost of the harvest;

9.4 Immediately after the crops are harvested, the cultivator/s shall turn over the land he or she cultivated to the Executive Committee.

Section 10. Cleaning and Greening of Public Idle Lands.- By virtue of this Ordinance, the Executive Committee on Communal Gardening through the CAVENRO shall ensure the cleanliness of public idle lands. The City Government shall take charge in the cleaning and planting of trees along shoulders of national, provincial, city roads, creeks, dikes canals and similar water tributaries in the City of San Fernando, Pampanga.

Section 11. Stray Animals that destroy crops and cause littering. - All stray animals that may be caught destroying crops in areas covered by this Ordinance and or caught littering within idle lands already planted with crops shall be apprehended by residents themselves or coordinate with the CAVENRO for the apprehension and impounding of these animals. Their owners may redeem these animals after corresponding settlement of the damage incurred to the tillers or cultivators affected by their indiscriminate loitering.

ARTICLE IV MISCELLANEOUS PROVISIONS

Section 12. Committee Meeting. The members of the Executive Committee on Communal Gardening shall have a Regular Meeting every last Thursday of the month for purposes of reviewing and evaluating the on-going operations and implementation of the City's Clean and Green Program.

Section 13. Funding.- As part of the City Government Clean and Green Program, the CAVENRO shall have adequate funding for this project. The Executive Committee shall be given all necessary logistic support including but not limited to the seed-crops, technical assistance for cultivators, equipment, etc. to ensure the effective implementation of this Ordinance.

ARTICLE V PENAL PROVISIONS

Section 14. Penalty Provision. - Any or all violation of this Ordinance shall be meted the following:

1. For First Offense - Any person who violates any or all provisions (except Section 11 hereof) of this Ordinance for the First time shall be meted the fine of P1,000.00 and or imprisonment of one (1) month or both at the discretion of the regular court;

2. For Second Offense - Any person who violates any or all provisions (except Section 11 hereof) of this Ordinance for the Second time shall be meted the fine

of P2,500.00 and or imprisonment of two (2) months or both at the discretion of the regular court;

3. For Third Offense - Any person who violates any or all provisions (except Section 11 hereof) of this Ordinance for the Third time shall be meted the fine of P5,000.00 and or imprisonment of three (3) months or both at the discretion of the regular court;

Succeeding Violations of this Ordinance shall be meted with an additional penalty of community service for eight hours, at the discretion of the regular court.

Section 15. Repealing Clause - Local Ordinances, Resolutions, Orders, Rules and Regulations that are inconsistent with this Ordinance are hereby repealed, modified or amended accordingly.

Section 16. Separability Clause - If any provision of this Ordinance is declared unconstitutional and or illegal, the remainder of this Ordinance shall not be affected and shall therefore, be in full force and effect.

Section 17. Effectivity Clause - This Ordinance shall take effect immediately upon satisfaction of its required publication in a newspaper of general circulation in the Province of Pampanga and the posting of the same in conspicuous places of the City Hall and all the city's 35 barangays.

ADOPTED this 25th day of May 2005.