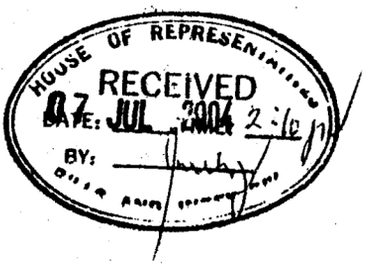
13TH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session



HOUSE OF REPRESENTATIVES

House Bill No. 1210

INTRODUCED BY HON. CYNTHIA A. VILLAR AND HON PROSPERO C. NOGRALES

EXPLANATORY NOTE

Our Government's policy to provide adequate shelter for the people should be in consonance with that of ensuring a healthy environment in which to live in.

> Article II, Section 16 of the Constitution provides: "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."

Relative thereto, this bill seeks to grant incentives to subdivision homeowners to preserve their environment, such that a portion of the subdivision is developed and maintained by them for the planting and growing of trees and plants.

Presidential Decree No. 1216 provides for "open spaces" reserved for parks, playgrounds and for recreational use. In addition, Presidential Decree No. 953 requires the planting of trees in, among others, such open spaces. However, these measures appear to be not enough.

This bill, therefore, seeks to expand the area to be devoted to the preservation of the ecological balance of nature. In reserving a whole area for such activity, and by getting the community members involved, it is hoped that there would eventually be a sincere appreciation for a healthy, clean and natural environment.

The passage of this bill is earnestly recommended.

CYNTHIA A. VILLAR

PROSPERO C. NOGRALES

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House Bill No. 1210

INTRODUCED BY HON. CYNTHIA A. VILLAR AND HON. PROSPERO C. NOGRALES

AN ACT INSTITUTING THE SUBDIVISION GREEN PARK PROGRAM, GRANTING INCENTIVES TO HOMEOWNERS FOR THE DEVELOPMENT AND MAINTENANCE OF FORESTED AREAS WITHIN THEIR SUBDIVISIONS, AND FOR OTHER PURPOSES

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

SECTION 1. *Short Title* - This Act shall be known as "The Green Parks Act of 2004."

SEC. 2. *Declaration of Policy* - It shall be the policy of the State to encourage the preservation of the ecological balance of nature. A Subdivision Green Park Program is hereby instituted and incentives granted for the development and maintenance of forested areas within subdivision projects so that a balanced and healthy environment will exist within the community.

SEC. 3. *Definition of Terms* - When used in this Act, the following terms shall, unless the context otherwise indicates, have the following respective meanings:

(a) "Subdivision project" means a tract or parcel of land, registered under Act No. 496, partitioned primarily for residential purposes into individual lots, with or without improvements thereon, and offered to the

public for sale, in cash or in installment terms. It shall include all residential, commercial, industrial and recreational areas, as well as open spaces and other community and public areas in the project.

(b) "Association" means the association of homeowners within the subdivision, organized pursuant to Section 30 of Presidential Decree no. 957 primarily to promote their mutual interest and well-being and assist in their community development or, in the absence thereof and for purposes of this Act, a group of environmentally-concerned homeowners.

(c) "Green Park" means an area designated on the subdivision plan as forested land, developed and maintained by the association, and reserved for public use as an ecological refuge. Such green park shall be devoted exclusively to the planting and growing of suitable plant species, whether fruit bearing, flowering or ornamental of scenic, aesthetic and ecological values.

(d) "Department " means the Department of Environment and Natural Resources.

SEC. 4. *Green Park Program.* - A Subdivision Green Park Program is hereby instituted. The green park area shall be at least fifty percent (50%) of the total area allocated exclusively for parks, playgrounds and recreational use in a subdivision project pursuant to Section 31 of Presidential Decree No. 957, as amended by Presidential Decree No. 1216.

SEC. 5. *Incentives.* - The association within the subdivision participating in the program shall be entitled to the following incentives:

(a) Tree and plant seedlings, for free and without cost, and technical assistance in the development and maintenance of a green park to be provided by the Department and the Department of Agriculture and their attached agencies.

(b) Artesian well, for free and without cost, to be used exclusively for the development and maintenance of the green park, and to be provided jointly by the Department of Public Works and Highways and the city or municipal government having jurisdiction over the proposed green park.

(c) Tools and implements, for free and without cost, to be used exclusively for the maintenance of the green park and to be provided by the city or municipal government where the green park is located.

SEC. 6. *Requirements* - In order to avail of the incentives granted under Section 5 hereof, the association shall submit to the Department the requirements for the development and maintenance of a green park, which shall include:

(a) The subdivision plan as approved by the Department or the Bureau of Lands under the then Department of Agriculture and Natural Resources, as provided for under the second paragraph of Section 4 of Presidential Decree No. 957;

(b) An indication of the types of trees and plants, preferably of indigenous or endemic species, that are intended to be planted and grown in the green park; and

(c) A plan for the maintenance of the green park, to ensure its ecological viability, as well as evidence of actual application thereof for at least one (1) year.

SEC. 7. *Issuance of Certification.* – The Department shall promulgate the standards to ensure that the green park instituted creates a balanced and healthful ecology within the community. Upon submission of all the requirements by the association, the Department shall issue a certification

that the development and maintenance plans meet the standards set. The certification shall be the basis, upon application by the association with the proper agency or authority, for the grant of incentives provided under this Act.

SEC. 8. *Prohibition* – No artificial structures or improvements shall be constructed within the green park unless such structures or improvements are absolutely necessary for the development and maintenance of the green park, as well as the preservation of the ecological system contained therein.

SEC. 9. *Cancellation of Certification* - If at any time the Department determines, *motu propio* or upon a verified information filed by any person, that the state and condition of the green park ceases to serve its purpose, or that the standards of the Department are no longer met, the Department shall cancel its certification. Such cancellation shall mean that no incentives may be further availed of.

SECTION 10. *Re-application.* - Within a reasonable time, as determined by the Department, from the time of the cancellation of the certification, the association may re-apply for a certification subject to the requirements under Section 5 hereof. A re-application approved by the Department shall entitle the association to the incentives granted under Section 7 of this Act.

SECTION 11. *Separability Clause* - If for any cause, any part or provision of this Act is declared invalid or unconstitutional, the remaining part or provision not affected thereby shall remain in force and effect.

SECTION 12. *Repealing Clause* - All laws, decrees, executive orders, letters of instruction, proclamations, rules and regulations inconsistent with this Act shall be modified, amended or repealed accordingly.

SECTION 13. Effectivity - This Act shall take effect after fifteen (15) days following its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved,