

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HB NO. 1424

Introduced by Rep. Roseller L. Barinaga

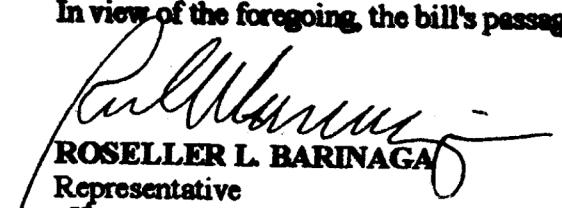
EXPLANATORY NOTE

This bill seeks to require all residential subdivisions to set aside an area exclusively devoted to trees and plants that have ecological and scenic value as a way of harmonizing infrastructure development with the ecological improvement of the environment.

Under this bill, the government will help provide seedlings needed to keep the subdivision parks green.

The importance of this bill cannot be stressed in the wake of the recent tragedy that befell many Filipinos during the heavy rains and floods that swept the country. This bill is actually a complementary bill to the bill which I filed banning commercial logging for the next twenty-five (25) years. Both bills are intended to restore ecological balance.

In view of the foregoing, the bill's passage is earnestly requested.



ROSELLER L. BARINAGA

Representative

2nd District, Zamboanga del Norte

Congress of the Philippines)
Thirteenth Congress)
First Regular Session)

HOUSE OF REPRESENTATIVES

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AN ACT
GRANTING INCENTIVES TO SUBDIVISION HOMEOWNERS ASSOCIATIONS TO
DEVELOP AND MAINTAIN 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:

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

2 **SEC. 2. Declaration of Policy.** - Art. II, Section 16 of the Constitution provides that
3 "The State shall protect and advance the right of the people to a balanced and healthful ecology
4 in accord with the rhythm and harmony of nature". In line with this, the State hereby grants
5 incentives for the development and maintenance of forested areas within subdivision projects
6 so that a balanced and healthy environment will exist within the community.

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

9 (a) "**Subdivision Project**" refers to a tract or parcel of land registered under Act. No.
10 496, partitioned primarily for residential purposes into individual lots, with or without
11 improvements thereon, and offered to the public for sale, in cash or installment terms. It shall
12 include all residential, commercial, industrial and recreational areas, as well as open spaces and
13 other community and public areas projects.

14 (b) "**Association**" refers to the association of homeowners within the subdivision,
15 organized primarily to promote the best interest and well-being, as well as safeguard the
16 welfare, of the residents and owners of property in the subdivision project.

17 (c) "**Green park**" refers an area, designated on the subdivision plan, of forested land,
18 developed and maintained by the Association, reserved for public use as an ecological refuge.
19 Such green park shall be exclusively to the planting and growing of trees of any kind, flowering
20 or ornamental plants and shrubs, or plants of scenic, aesthetic and ecological values.

21 (d) "**Bureau**" refers to the Bureau of Forest Development.

1 **SEC. 4. Area.** The area of one green park shall be at least be five percent (5%) of the
2 total gross area of the subdivision project.

3 **SEC. 5. Requirements.** In order to avail of the benefits granted under Section 7 hereof,
4 the Association shall submit to the Bureau the plans for the development and maintenance of
5 the green park, which shall include:

6 (a) The subdivision plan as approved by the Director of Lands, as provided for under
7 the second paragraph of Section 4 of Presidential Decree No. 957;

8 (b) An indication of the types of trees and plants planted and grown in the green park;
9 and

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

12 **SEC. 6. Issuance of Certification.** Upon the submission of all the requirements
13 mentioned in Section 5 hereof, the Bureau shall issue a certification to this effect. The Bureau
14 shall also have the power to determine whether the development and maintenance plans for the
15 green park meet the standards that the Bureau shall promulgate, to ensure that the green park
16 creates a balanced and healthful ecology within the community. No certification shall be issued
17 should the development and maintenance plans fail to meet such standards.

18 The certification shall be the basis, upon application by the Association with the proper
19 agency or authority, for the grant of the benefits under Section 7 hereof.

20 **SEC. 7. Benefits.** Upon presentation of the certification, as provided for under the
21 second paragraph of Section 6 hereof, the Association shall be entitled to the following
22 benefits:

23 (a) The Bureau of Plant Industry shall provide the Association with tree and plant
24 seedlings for planting in the green park for free; and

25 (b) The city or municipal government where the green park is located shall provide the
26 Association with tools and implements, for free to be used exclusively for the maintenance of
27 the green park.

28 **SEC. 8. Prohibition.** In no case shall any artificial structure or improvement be
29 constructed within the boundaries of the green park, unless such artificial structures or
30 improvements are absolutely necessary for the development and maintenance of the Green
31 park, as well as the preservation of the ecological system contained therein.

32 **SEC. 9. Cancellation of Certification.** If at any time, the Bureau determines, upon
33 application of any person, that the state and condition of the green park ceases to serve its
34 purpose, or that the standards of the Bureau are no longer met, the Bureau shall cancel its
35 certification. Such cancellation shall result to the withdrawal of all benefits already granted or
36 availed of under Section 7 hereof and no benefits may be further availed of by the Association.

1 **SEC. 10. *Re-application.*** If, within a reasonable time, as determined by the Bureau,
2 from the time of the cancellation of the certification, as provided for under Section 9 hereof, the
3 Bureau approves a re-application by the Association for the certification, as provided for under
4 Section 5 of this Act, the benefits granted under Section 7 hereof may be availed of pursuant to
5 the terms and conditions provided for under Section 6 and Section 9.

6 **SEC. 11. *Repealing Clause.*** All laws, decrees, executive orders, letters of instruction,
7 proclamations, rules and regulations inconsistent with this Act shall be modified, amended or
8 repealed accordingly.

9 **SEC. 12. *Separability Clause.*** If for any cause, any part of provision of this Act is
10 declared invalid or unconstitutional, the remainder or any part or provision not affected thereby
11 shall remain in force and effect.

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

Approved.