

FIFTEENTH CONGRESS
OF THE REPUBLIC OF THE PHILIPPINES
First Regular Session

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HOUSE OF REPRESENTATIVES

House Bill No. 320

Introduced by Representative Susan A. Yap

EXPLANATORY NOTE

Article 2, Section 16 of the Constitution states that,

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

As the real estate industry boomed over the last decade, because of lowered interest rates and increased remittances from our OFWs, many housing projects have sprouted nationwide. It paved thousands of hectares of land, where trees were once standing, into roads and houses. Mindful of the importance of open and green areas as part of the living space of individuals and families, some developers included green architecture in their subdivision development plans.

However, there are some developers, if not most and especially those who are developing low-cost housing, did not place "breathing spaces" on their projects because they maximized the use of space, to the last corner, for building houses. Whatever open space left is most often set aside for future use. This is a disservice to their clients and home-buyers who will soon realize that there is a need for parks and trees to which their children can play under the shade or relax to during weekends and holidays.

Presidential Decree No. 1216, amending Section 31 of PD No. 957 required subdivision owners to provide roads, alleys, sidewalks and reserve open space for parks and recreational use. However, again, after the projects have been turned over to homeowners, the open spaces are sometimes left bare because of lack of initiative or lack of resources.

Thus, this bill seeks to mandate the inclusion of a tree-planting program for subdivision projects and unless the owner undertakes to develop such open space within three years from the approval of the plan. Likewise, this bill provides incentives to homeowners associations or a group of environmentally-concerned homeowners, for that matter, which shall undertake the tree-planting project.

In view of the foregoing, passage of this bill is earnestly sought.


SUSAN A. YAP

Representative, Second District of Tarlac

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14 AN ACT
15 INSTITUTING THE SUBDIVISION GREEN PARKS PROGRAM, GRANTING
16 INCENTIVES FOR THE PLANTING OF TREES AND THE DEVELOPMENT
17 AND MAINTENANCE OF FORESTED AREAS IN SUBDIVISIONS AND FOR
18 OTHER PURPOSES

19 Be it enacted by the Senate and the House of Representatives of the Philippines in
20 Congress assembled:
21

22 SECTION 1. *Short Title.* - This Act shall be known as the "Subdivision Green Parks
23 Act of 2010".
24

25 SEC. 2. *Declaration of Policy.* - Article II, Section 16 of the Constitution provides that,
26 the State shall protect and advance the right of the people to a balanced and healthful
27 ecology in accord with the rhythm and harmony of nature. In pursuit thereof, a National
28 Green Parks Program is hereby instituted, providing funds to program components and
29 granting incentives to sectors identified in this Act.
30

31 SEC. 3. *Coverage.* - This Act shall apply to all subdivisions developed for residential,
32 industrial or commercial purposes.
33

34 SEC. 4. *Subdivision Green Park Program.* - Trees shall be planted and maintained in
35 open spaces as defined in Section 31 of Presidential Decree No. 957, as amended by
36 Presidential Decree No. 1216, or in areas reserved exclusively for parks, playgrounds,
37 recreational uses, schools, along roads, in places of worship, hospitals, health centers,
38 barangay centers and other similar facilities in a subdivision project.
39

40 Every owner or developer of land subdivided and developed for residential,
41 industrial or residential purpose shall plant trees in areas reserved for open spaces in a
42 subdivision project.
43

44 In cases of subdivisions developed or development plans approved before the
45 effectivity of this Act, it shall be incumbent upon the owner or developer of the subdivision
46 project to plant trees in the open spaces reserved for the common use and enjoyment of the
47 lot owners as well as along roads. Where the open spaces in a subdivision project have
48 already been donated to the homeowners association or to the local government unit, the
49 homeowners association may undertake the planting of trees and avail of the incentives
50 provided hereunder.
51

52 The Department of Environment and Natural Resources (DENR) and the Housing
53 and Land Use Regulatory Board (HLURB) shall determine the number of trees to be planted
54 which shall not be less than thirty (30) trees per hectare, the variety of trees to be planted and
55 their distribution, and the size of the green park that shall be established in the subdivision.
56

1 SEC. 5. *Definition of Subdivision Project.* - For purposes of this Act, a subdivision project
2 refers to a tract or parcel of land registered under Act No. 496, partitioned primarily for
3 residential purposes into individual lots, with or without improvements thereon, and offered
4 to the public for sale, in cash or installment terms. A subdivision project shall include all
5 residential, commercial, industrial and recreational areas, as well as open spaces and other
6 community and public areas in the project.

7
8 SEC. 6. *Nature of Open Space and Requirement of Tree Planting.* - Those areas reserved for
9 parks, playgrounds and recreational uses shall be non-alienable and non-buildable public
10 lands. The plans of the subdivision project developed for residential, industrial or
11 commercial purposes shall include tree planting on such open spaces and other parts of such
12 project as may be practicable and as may be designated by the approving local government
13 unit. No portion of the parks or playgrounds may thereafter be converted to any other
14 purpose or purposes. No plan for a subdivision project developed for residential, industrial
15 or commercial purpose shall be approved by the local government in the city or municipality
16 where such project is located without the inclusion of a tree-planting program in such plan
17 and unless the owner thereof undertakes to develop such open space within three (3) years
18 from the approval of the plan.

19
20 SEC. 7. *Role of Homeowners Associations.* - The homeowners association organized
21 pursuant to Section 30 of Presidential Decree No. 957, shall promote the interest and well-
22 being of its homeowners and assist in carrying out the provisions of this Act by nurturing
23 and maintaining the trees planted in the subdivision project. In the absence of a homeowners
24 association, a group of environmentally-concerned homeowners will suffice.

25
26 SEC. 8. *Incentives.* - The homeowners association or a group of environmentally
27 concerned homeowners within the subdivision participating in the program shall be entitled
28 to the following incentives:

29 (a) Free tree and plant seedlings and free technical assistance in the development and
30 maintenance of the subdivision green park provided by the DENR and the Department of
31 Agriculture (DA) and their attached agencies: *Provided,* That the homeowners association
32 shall be responsible for any mortality in the seedlings planted; and (b) Free artesian well and
33 free tools and implements to be used exclusively for the development and maintenance of
34 the subdivision green park, and to be provided by the city or municipal government having
35 jurisdiction over the proposed subdivision green park.

36
37 SEC. 9. *Requirements.* - In order to avail of the aforementioned incentives, the
38 homeowners association or a group of environmentally concerned homeowners shall submit
39 to the DENR the requirements for the development and maintenance of a subdivision green
40 park which they can secure from the subdivision project's owner or developer and which
41 shall include:

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

45 (b) A planting plan indicating the types of trees and plants, preferably of indigenous
46 or endemic species or of medicinal value, that are intended to be planted and grown in the
47 subdivision green park; and

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

50
51 SEC. 10. *Ecological Standards.* - The DENR shall promulgate the standards to ensure
52 that the subdivision green park instituted creates a balanced and healthful ecology within the
53 community

54
55 SEC. 11. *Issuance of Certification.* - Upon submission of all the requirements by the
56 homeowners association or a group of environmentally-concerned homeowners, the DENR
57 shall issue a certification that the development and maintenance plans meet the ecological
58 standards set. The certification shall be the basis for the grant of incentives under this Act
59

1 SEC. 12. *Prohibition.* - No artificial structures or improvements shall be constructed
2 within the subdivision green park unless such structures or improvements are absolutely
3 necessary for the development and maintenance of the subdivision green park, as well as the
4 preservation of the ecological system contained therein.

5
6 SEC. 13. *Cancellation of the Certification.* - If at any time the DENR determines, *motu*
7 *proprio* or upon a verified information filed by any person, that the state and condition of the
8 subdivision green park ceases to serve its purpose, or the ecological standards set are no
9 longer met, the DENR shall
10 cancel its certification. Such cancellation shall mean that no incentives may be further
11 availed of.

12
13 SEC. 14. *Re-application of Certification.* - Within a 'reasonable time from the time of
14 cancellation, as determined by the DENR, the homeowners association may re-apply for a
15 certification. Approval of the re-application will grant the incentives mentioned under this
16 Act.

17
18 SEC. 15. *Implementing Rules and Regulations.* - The DENR and the HLURB shall
19 formulate the necessary rules and regulations for the implementation of this Act.

20
21 SEC. 16. *Penal Clause.* - Any person who shall violate Sections 4, 6 and 12 hereof, or
22 any rules or regulations promulgated pursuant thereto, shall be punished with imprisonment
23 of not less than six (6) months, but not more than two (2) years, or be fined with not less
24 than Five hundred thousand pesos (P500,000.00), but not more than One million pesos
25 (P1,000,000.00), or both at the discretion of the court: *Provided,* That in case of corporations,
26 partnerships, cooperatives or associations, the president, manager or administrator or the
27 person in charge of the administration of the business shall be criminally responsible for any
28 violation of this Act and/or rules and regulations promulgated pursuant thereto: *Provided,*
29 *further,* That if the violator is the developer, its business licenses and permits shall be
30 automatically revoked.

31
32 SEC. 17. *Separability Clause.* - If for any cause, any part or provision of this Act is
33 declared invalid or unconstitutional, the remaining parts or provisions not affected thereby
34 shall remain in force and effect.

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36 SEC. 18. *Repealing Clause.* - All laws, decrees, executive orders, letters of instruction,
37 proclamations, rules and regulations inconsistent with this Act shall be modified, amended
38 or repealed accordingly.

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40 SEC. 19. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in
41 the *Official Gazette* or in at least two (2) newspapers of general circulation.

42
43 Approved,
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