

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 2236

INTRODUCED BY HON. MARCELINO "MARCY" R. TEODORO

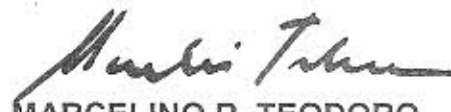
EXPLANATORY NOTE

Condominium living in the Philippines has been expanding and growing in the recent years. Now, condominiums have become more commercialized than ever, it is even marketed by developers and owners as a new way of life for modern Filipinos. Indeed, many condominium projects that are emerging promises to provide all sorts of amenities that could range from a simple basketball court to an extravagant spa club and resort-type swimming pool.

Given all the comforts supposedly derived from this lifestyle it is not surprising to see more and more Filipinos embracing condominium living. However, it is not without any disadvantage for living in condominiums in highly urbanized and polluted metropolis could be very constricting and stressful. Thus, there must be a compromise to this modern set-up so that we could enjoy the fast-paced life while frolicking still in healthy urban environment.

In keeping with Section 16, Article II of the 1987 Constitution which provides that "the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with rhythm and harmony of nature" Republic Act No. 4726, otherwise known as the Condominium Act, must be amended so that establishment of green areas could be mandated in all residential and commercial condominium projects nationwide.

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



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AN ACT
PROVIDING FOR THE ESTABLISHMENT, DEVELOPMENT AND MAINTENANCE OF
GREEN AREAS IN ALL RESIDENTIAL AND COMMERCIAL CONDOMINIUM
PROJECTS NATIONWIDE, AMENDING FOR THE PURPOSE REPUBLIC ACT NO.
4726 OTHERWISE KNOWN AS THE CONDOMINIUM LAW, AND FOR OTHER
PURPOSES

SECTION 1. Title. -- This Act shall be known as "Green Area in Condominium Act."

SEC. 2. Declaration of Policy. -- It is hereby declared as a national policy to build, establish and maintain green areas in all residential and commercial condominium projects nationwide in order to promote balance and healthful ecology, improve the quality of urban landscape and environment, and preserve and increase biodiversity in urban areas.

SEC. 3. Scope. -- This Act shall cover all residential and commercial condominium projects to be established and built after the effectivity of this Act.

SEC. 4. Definition of Terms. -- As used in this Act, the following definitions shall apply:

a. Environment - the surroundings; all the conditions, circumstances and influences surroundings and affecting the development of an organism or group of organisms;

b. Green Area – an open space reserved primarily for plants and trees but may likewise be used for parks, playgrounds, leisure and recreation uses, promenade, and other similar facilities and amenities where soft (i.e. plants, trees) and hard (i.e. pavement, benches) landscape may be found.

SEC. 5. Objectives. -- Pursuant to the policy declared herein, it is the objective of this Act:

a. To build, develop and maintain green areas in all residential and commercial condominium projects; and

b. To provide a scenic environment for all residents and occupants of residential and commercial condominium projects to enjoy.

SEC. 6. Every owner and/or developer of residential and commercial condominium projects after the effectivity of this Act shall reserve, develop and maintain not less than thirty percent (30%) of the total area of the project, exclusive of roads, service streets and alleys, as open space for green areas.

No Certificate of Registration, Development Permit and License to Sell for condominium projects shall be approved and issued by the Housing and Land Use Regulatory Board or any office or agency of the government unless at least thirty percent (30%) of the total area of the project, exclusive of roads, service streets and alleys, is reserved and developed as open space for green areas.

SEC. 7. Sec. 4 of REPUBLIC ACT NO. 4726 is hereby amended to read as follows:

"Sec. 4. The provisions of this Act shall apply to property divided or to be divided into condominium only if there shall be recorded in the Register of Deeds of the province or city in which the property lies, and duly annotated in the corresponding certificate of title of the land, if the latter had been patented or registered under either the Land Registration or Cadastral Acts, an enabling or master deed which shall contain, among others, the following:

- a) Description of the land on which the building or buildings and improvements are to be located;
- b) Description of the building or buildings, stating the number of storeys and basement, the number of units and their accessories, if any;
- c) Description of the common areas and facilities;
- d) A statement of the exact nature of the interest acquired or to be acquired by the purchased in the separate units and the common areas of the condominium projects. Where title to or to appurtenant interests in the common areas is to be held by a condominium corporation, a statement to this effect shall be included;
- e) A certificate of the registered owner of the property, if he is other than those executing the master deed, as well as of all registered holders of any lien or encumbrances on the property, that they consent to the registration of the deed;
- f) The following plans shall be appended to the deed as integral parts thereof:
 - 1. A survey plan of the land included in the project, unless a survey plan of the same property had previously been filed in said office.
 - 2. A diagrammatic floor plan of the building or buildings each unit, its relative location and approximate dimensions.
- g) Any reasonable restriction not contrary to law, morals, or public policy regarding the right of any condominium owner to alienate or dispose off his condominium.
- h) The enabling or master deed may be amended or revoked upon registration of an instrument executed by a simple majority of the registered owners of the property: *Provided*, That in a condominium project exclusively for either residential or commercial use, simple majority shall be on a per unit of ownership basis and that in the case of mixed use, simple majority shall be on a floor area of ownership basis: *Provided, further*, That prior notifications to all registered owners shall be submitted to the Housing and Land Use Regulatory Board and the city/municipal engineer for approval before it can

be registered. Until registration of a revocation, the provisions of this Act shall continue to apply to such property.

I) NO ENABLING OR MASTER DEED SHALL BE REGISTERED UNLESS THERE IS A SHOWING THAT THE DEED AS WELL AS OTHER PLANS REQUIRED TO BE APPENDED THERETO CONTAINS PROVISION FOR THE RESERVATION, DEVELOPMENT AND MAINTENANCE OF GREEN AREAS AS DEFINED UNDER THE LAW.

PROVIDED, FURTHER THAT NO BUILDING PLANS AND SPECIFICATIONS SHALL BE APPROVED, OR DEVELOPMENT PERMIT, CERTIFICATE OF REGISTRATION AND LICENSE TO SELL ISSUED UNLESS COMPLIANT WITH GREEN AREA PROVISION REQUIREMENT.

SEC. 8. Sec. 25 of REPUBLIC ACT NO. 4726 is hereby amended to read as follows:

"Sec. 25. The building and design standards for condominium projects to be promulgated by HLURB shall provide for, among others, THE RESERVATION, DEVELOPMENT AND MAINTENANCE OF GREEN AREAS, AND accessibility features for disabled persons pursuant to Batas Pambansa Bilang 344 of 1994."

SEC. 9. Penalties. -- Any officer of the duly designated enforcement agency who neglect or fails to enforce the provisions of this Act shall be administratively liable and in addition, punished by a fine of not less than Five Hundred Thousand Pesos (P500,000.00) but not more than Two Million Pesos (P2, 000,000.00), without prejudice to the filing of appropriate criminal charges.

SEC. 10. Implementing Rules and Regulations. -- The Housing and Land Use Regulatory Board shall have the power to promulgate the pertinent rules and regulations as may be necessary to fully implement the objectives and purposes of this Act within a period not to exceed one hundred eighty (180) days from approval hereof.

SEC. 11. Separability Clause. -- If any provision or part of this Act is declared unconstitutional, such declaration of unconstitutionality shall not affect other provisions of this Act.

SEC. 12. Repealing Clause. -- All laws, decrees, rules, and regulations, or parts thereof, inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 13. Effectivity Clause. - This Act shall take effect upon its publication in at least two (2) newspapers of general circulation.

Approved,