

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

SIXTEENTH CONGRESS
First Regular Session

House Bill No. 2980



INTRODUCED BY HON. MARCELINO "MARCY" R. TEODORO

EXPLANATORY NOTE

A country located in the western rim of the Pacific Ocean, the Philippines has always been prone to natural disasters and calamities brought about by recurrent cyclones or typhoons. Making matters more serious for the people is the earth's worsening condition largely attributed to global warming and climate change like deteriorating polar ice caps, constant increase in world temperature and erratic weather disturbances.

An average of twenty (20) typhoons devastate the Philippines annually affecting millions of Filipinos and leaving behind injuries and deaths, as well as damage to properties amounting to billions of pesos.

Lately however, danger and other threats to life and property are no longer confined to those caused by typhoons passing through the Philippine Area of Responsibility. There have been incidents of monsoon-enhanced low pressure system which results to unprecedented amount of rainfall causing floods.

While natural calamities and disasters cannot be altogether prevented, there is an urgent need to minimize the damage caused by typhoons and monsoon rains, and the resulting floods in order to ensure the safety of the community.

This measure seeks, among others, (1) to reduce flooding in the urban areas, and relieve the metropolis of the devastating deluge and effects of typhoons and other weather disturbance, and (2) to engage the participation of the private sector in the government's flood mitigating efforts and initiatives.

One key provision of the bill is mandating the construction and maintenance of on-site regulation pond in all residential subdivisions and condominium projects and commercial developments in urban areas, and prevent the direct discharge of rain and runoff water into city drainage system, creeks and natural waterways.

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

A handwritten signature in black ink, appearing to read "Marcelino Teodoro".

MARCELINO "MARCY" R. TEODORO
Representative
1st District, City of Marikina

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AN ACT
MANDATING THE ESTABLISHMENT AND MAINTENANCE OF ON-SITE REGULATION
POND ON ALL RESIDENTIAL SUBDIVISIONS, CONDOMINIUM PROJECTS, AND
COMMERCIAL DEVELOPMENTS IN URBAN AREAS

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

SECTION 1. Title. -- This Act shall be known as "Mandatory On-Site Regulation Pond Act."

SEC. 2. Declaration of Policy. -- It is hereby declared a national policy to uphold the people's constitutional rights to life and property by reducing flood in the urban areas, and relieving the metropolis of the devastating deluge and effects of typhoons and other weather disturbance.

Further, the State hereby engages the participation of the private sector in the government's flood mitigating efforts and initiatives in order to build a flood-resilient nation.

For the purpose, residential subdivision and condominium projects, and commercial developments should not be allowed to directly discharge rainwater and runoff water into city drainage system, creeks and natural waterways, and shall delay the release of rain water using retention or regulation pond.

SEC. 3. Definition of Terms. -- As used in this Act, the following definitions shall apply:

- a. On-site Regulation Pond – flood control structure that can be in the form of vertical detention tank, horizontal water tank, open retarding basin, multi-use water catchment area, all aimed at delaying the release of rain water into the city drainage system.
- b. Residential Subdivision - tract of land divided into several lots for construction of individual residences.
- c. Condominium projects - group of housing units where each homeowner owns their individual unit space, and all common parts of the property, such as the grounds and building structure, are owned jointly by the unit owners.
- d. Commercial developments - one or more building/s forming a complex of any or all of the following: business offices, trade establishments, and shops with interconnecting walkways.

SEC. 4. Objectives. -- Pursuant to the policy declared herein, it is the objective of this Act:

a. To mandate the construction or establishment and maintenance of on-site regulation pond in all residential subdivisions, condominium projects, and commercial developments in urban areas; and

b. To prevent and /or reduce flooding in urban areas nationwide and ensure the safety of the occupants of residential and commercial developments as well as the residents of nearby communities surrounding the foregoing projects.

SEC. 5. Establishment and Maintenance of Regulation Pond. - 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 three percent (3%) of the total area of the project, exclusive of roads, service streets and alleys, as on-site flood regulation pond with a storage capacity designed to cope with the flood of twenty (20) -year return period.

No Certificate of Registration, Subdivision Plan, Development Permit, License to Sell, and Master Deed for residential subdivision and condominium projects, shall be approved, issued and registered by the Housing and Land Use Regulatory Board or any office/agency of the government, unless compliant to the requirement of foregoing paragraph on retarding pond.

Issuance of building permits and/or certifications for commercial developments, from appropriate local government unit or agency, shall likewise follow the requirements and process set forth in this Act.

SEC. 6. Applicability. -- This Act shall cover all residential subdivisions, condominium projects, and commercial developments in highly urbanized and densely populated cities or municipalities.

A transition period of three (3) years shall be granted to allow existing subdivisions, condominiums areas, and other commercial developments to comply with the requirement of a regulation pond. Any act found otherwise after the three (3) year grace period shall be penalized accordingly.

SEC. 7. Penalties. -- Any person or corporation who failed to comply with the provisions of this Act shall be punished with a fine of not less than Five Hundred Thousand Pesos (P500,000.00) but not more than Two Million Pesos (P2, 000,000.00), for every year of non-compliance. While officers of the duly designated enforcement agency who neglects or fails to enforce the provisions of this Act shall be similarly fined and administratively charged for gross negligence.

SEC. 8. Implementing Rules and Regulations. -- The Department of Public Works and Highways and Housing and Land Use Regulatory Board shall 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 ninety (90) days from approval hereof.

SEC. 9. 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. 10. Repealing Clause. -- All laws, decrees, rules, and regulations, or parts thereof, inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 11. Effectivity Clause. - This Act shall take effect upon its publication in at least two (2) newspapers of general circulation.

Approved,