



Republic of the Philippines  
**House of Representatives**  
Quezon City, Metro Manila



Seventeenth Congress  
Second Regular Session  
HOUSE BILL NO. **6098**

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**Introduced by Representative Erico Aristotle C. Aumentado**

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**EXPLANATORY NOTE**

This bill seeks to require subdivision and condominium owners or developers, and local government units (LGUs) implementing their respective local housing programs to provide spaces for tree planting within their respective project sites.

Section 16, Article II of the 1987 Constitution states:

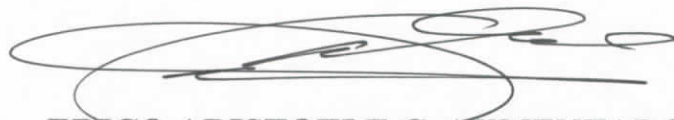
*“SEC. 16. The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.”*

In 1976, Presidential Decree No. 953 was issued requiring the planting of trees in certain places reserved for the common use and enjoyment of the owners of subdivision lots. Likewise, Presidential Decree (PD) No. 957 mandates property developers to allocate a certain portion of land for planting strips. In 1977, Section 31 of PD 957 was amended by PD 1216 to further require that any plans of the subdivision project shall include tree planting in the open spaces reserved for parks, playgrounds or recreational use. These issuances are now fully-covered by the authority of the Housing and Land Use Regulatory Board (HLURB). However, by virtue of Executive Order (EO) No. 71, Series of 1993, the approval of preliminary as well as final subdivision plans and schemes has been devolved to the cities and municipalities but the authority to approve plans for condominium projects remain with the HLURB.

On February 24, 2011, then President Benigno Aquino III issued EO 26, Series of 2011, to launch the National Greening Program (NGP) in response to worldwide concern on global warming. The EO aims to plant 1.5 billion trees in 1.5 million hectares within 2011 to 2016 to areas covering forestlands, mangrove and protected areas and urban areas under the greening plan of the local government units.

In order to sustain the impact and significance of the NGP, this bill, therefore, proposes to focus the planting of trees in designated open spaces within subdivision or condominium development projects. Thus, owners or developers of subdivision and condominium projects, and LGUs implementing their respective local housing programs, are required to provide open spaces for tree planting within their respective projects sites. The bill aims to help reduce air pollution, particularly in Metro Manila and other urban areas, as a result of rapid urbanization. The tree planting program is intended to help curtail the impact of global warming, prevent irreparable damage to the environment, increase biodiversity and the general sense of well-being of the people. Further, the bill provides a corresponding penalty to violators.

In view of the foregoing, passage of this bill is highly recommended.



**ERICO ARISTOTLE C. AUMENTADO**



1        SEC. 3. **Definition of Terms.** – As used in this Act;

2        (a) *Condominium project* refers to the entire parcel of real estate  
3        property divided or to be divided primarily for residential purposes into  
4        condominium units, including all structures thereon;

5        (b) *Developer* refers to the person who develops or improves the  
6        subdivision or condominium project for and in behalf of the owner thereof;

7        (c) *Open space* refers to the area reserved exclusively for parks,  
8        playgrounds or recreational uses;

9        (d) *Owner* refers to the registered owner of the land subject of a  
10       subdivision or a condominium project; and

11       (e) *Subdivision project* refers to a tract or a parcel of land registered  
12       under Republic Act No. 496 which is partitioned primarily for residential  
13       purposes into individual lots with or without improvements thereon, and offered  
14       to the public for sale, in cash or in installment terms including residential,  
15       commercial, industrial and recreational areas as well as open spaces and other  
16       community and public areas in the project.

17       SEC. 4. **Coverage.** – This Act applies to all subdivision and condominium  
18       owners or developers with projects developed for residential, industrial or  
19       commercial purposes, and LGUs implementing their respective housing projects,  
20       in accordance with Republic Act No. 7279, as amended, otherwise known as the  
21       “*Urban Development and Housing Act of 1992.*”

1        SEC. 5. *Open Space for Tree Planting.* – All subdivision and  
2        condominium owners or developers, and LGUs implementing their respective  
3        housing projects, shall provide open spaces which shall be reserved for parks,  
4        playgrounds, recreational use and tree planting purposes.

5        In the case of subdivision owners or developers, Section 31 of Presidential  
6        Decree No. 957, as amended by Presidential Decree No. 1216, shall be observed  
7        with regard the requirement to provide open spaces in their project sites.

8        The plans of the subdivision and condominium projects shall include a tree  
9        planting development program on such open spaces as may be designated by the  
10       Housing and Land Use Regulatory Board (HLURB) in the case of condominium  
11       projects, and LGUs in the case of subdivision projects, in coordination with the  
12       Department of Environment and Natural Resources.

13       SEC. 6. *Subdivision and Condominium Tree Planting Development*  
14       *Program.* – All subdivision and condominium owners or developers, and LGUs  
15       implementing their respective housing projects, shall institute a tree planting  
16       development program for the open spaces within their respective development  
17       project sites as indicated in their project plans.

18       The plan for a subdivision project shall not be approved by the authorized  
19       LGU unless it includes the required open space and a sustainable tree planting  
20       program which shall be undertaken within three (3) years from approval of the  
21       subdivision plan.

1       The plan for a condominium project shall not be approved by the HLURB  
2 unless it includes the required open space and a sustainable tree planting program  
3 which shall be undertaken within three (3) years from the approval of the  
4 condominium plan.

5       **SEC. 7. *Tree Maintenance.*** – The owner or developer of subdivision and  
6 condominium projects, and LGUs implementing their respective housing  
7 projects, shall be responsible for maintaining the planted trees in the open spaces  
8 to ensure that all trees are healthy, growing vigorously and have a fully  
9 established root system. They shall water all trees on a weekly basis and shall  
10 regularly inspect all the planted trees, which shall include the inspection of the  
11 tree stakes, removal of broken or dead branches and the responsibility to replace  
12 any tree that dies or becomes unhealthy.

13       The homeowners' association who is a recipient of the open spaces donated  
14 and turned-over to them by the owner or developer of the subdivision project,  
15 with the consent of the corresponding LGU, in accordance with Section 31 of PD  
16 957, as amended by PD 1216, shall also be responsible for the maintenance of the  
17 planted trees and shall implement a tree planting development program on such  
18 open spaces.

19       **SEC. 8. *Penal Provision.*** – (a) An owner or developer of a subdivision or  
20 condominium project who violates Sections 5, 6 and 7 of this Act, or any  
21 regulation promulgated thereunder, shall be punished with a fine of not less than  
22 Five hundred thousand pesos (P500,000.00), but not more than One million pesos

(P1,000,000.00) or imprisonment of not less than six (6) months, but not more than two (2) years, or both at the discretion of the court. If the violation is committed by an association, partnership, or corporation, its managing directors or partners or president or general manager, and other persons responsible for the violation shall be liable for the penalties provided for in this Act. In case the offender is a foreigner, the offender shall immediately be deported after payment of the fine and service of the sentence without need of further proceedings.

(b) The president, other officers and members of the board of directors of a homeowners' association, which fails to maintain the planted trees in the designated open spaces of the subdivision or fails to implement a tree planting program as required under Section 7 of this Act shall be punished with a fine of Ten thousand pesos (P10,000.00).

(c) Any public officer who approves the plan for a subdivision or condominium project which fails to comply with the requirement to provide open spaces for tree planting and a tree planting development program as provided under Sections 5 and 6 of this Act, shall be punished with a fine of not less than Five hundred thousand pesos (P500,000.00) or imprisonment of not more than six (6) years, or both at the discretion of the court.

(d) Local chief executives of LGUs implementing their respective housing projects who fail to comply with the requirements under this Act shall be administratively liable under existing laws.

1           (e) Prosecution under this Act shall be without prejudice to any  
2 administrative case that may be filed against the offending public officer.

3           SEC. 9. ***Implementing Rules and Regulations.*** – Within sixty (60) days  
4 upon the approval of this Act, the Secretary of Environment and Natural  
5 Resources and the Secretary of the Interior and Local Government, in  
6 coordination with the Chairperson of the HLURB, shall issue the necessary rules  
7 and regulations for the effective implementation of this Act.

8           SEC. 10. ***Repealing Clause.*** – All laws, decrees, executive orders or parts  
9 thereof inconsistent with the provisions of this Act are hereby repealed, amended  
10 or modified accordingly.

11          SEC. 11. ***Effectivity.*** – This Act shall take effect fifteen (15) days after its  
12 publication in the Official Gazette or in a newspaper of general circulation.

13          Approved,