

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1194

INTRODUCED BY: HON. MARCELINO "MARCY" R. TEODORO

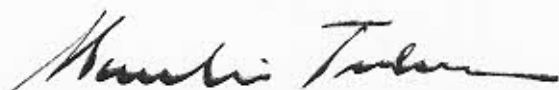
EXPLANATORY NOTE

Major urban areas like Manila are covered in smog daily courtesy of industries and motor vehicles that rely on fossil fuels, the by products of which wreak irreparable damage to the environment, causing temperatures to rise to near-intolerable levels, as well as cause health problems to people continually exposed to these lethal vapors.

Efforts to prevent deforestation and promote afforestation of forest areas have failed. This proposed measure seek to complement the existing reforestation/planting laws, targeting both rural and urban areas, in the hope that it will succeed. The bill proposes that trees be planted and maintained in open spaces as defined in Section 31 of Presidential Decree No. 957, as amended by Presidential Decree No. 1216, or in areas reserved exclusively for parks, playgrounds, recreational uses, schools, along roads, in places of worship, hospitals, health centers, barangay centers and other similar facilities in a subdivision project.

Indeed, there is a need for a collaborative effort between the State, private entities and its citizenry to fulfill the constitutional mandate 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."

In view thereof, passage of the bill is earnestly urged.



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City of Marikina

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

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

SECTION 1. Short Title. – This Act shall be known as the "Subdivision Green Parks Act of 2010".

SEC. 2. Declaration of Policy. – Article II, Section 16 of the Constitution provides 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. In pursuit thereof, a National Green Parks Program is hereby instituted, providing funds to program components and granting incentives to sectors identified in this Act.

SEC. 3. Coverage. – This Act shall apply to all subdivisions developed for residential, industrial or commercial purposes.

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

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

In cases of subdivisions developed or development plans approved before the effectivity of this Act, it shall be incumbent upon the owner or developer of the subdivision project to plant trees in the open spaces reserved for the common use and enjoyment of the lot owners as well as along roads.

Where the open spaces in a subdivision project have already been donated to the homeowners association or to the local government unit, the homeowners association may undertake the planting of trees and avail of the incentives provided hereunder.

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

SEC. 5. Definition of Subdivision Project. – For purposes of this Act, a subdivision project

refers to a tract or parcel of land registered under Act No. 496, partitioned primarily for residential purposes into individual lots, with or without improvements thereon, and offered to the public for sale, in cash or installment terms. A subdivision project shall include all residential, commercial, industrial and recreational areas, as well as open spaces and other community and public areas in the project.

SEC. 6. Nature of Open Space and Requirement of Tree Planting. – Those areas reserved for parks, playgrounds and recreational uses shall be nonalienable and nonbuildable public lands. The plans of the subdivision project developed for residential, industrial or commercial purposes shall include tree planting on such open spaces and other parts of such project as may be practicable and as may be designated by the approving local government unit. No portion of the parks or playgrounds may thereafter be converted to any other purpose or purposes.

No plan for a subdivision project developed for residential, industrial or commercial purpose shall be approved by the local government in the city or municipality where such project is located without the inclusion of a tree-planting program in such plan and unless the owner thereof undertakes to develop such open space within three (3) years from the approval of the plan.

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

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

(a) Free tree and plant seedlings and free technical assistance in the development and maintenance of the subdivision green park provided by the DENR and the Department of Agriculture (DA) and their attached agencies: *Provided*, That the homeowners association shall be responsible for any mortality in the seedlings planted; and

(b) Free artesian well and free tools and implements to be used exclusively for the development and maintenance of the subdivision green park, and to be provided by the city or municipal government having jurisdiction over the proposed subdivision green park.

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

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

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

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

SEC. 10. Ecological Standards. – The DENR shall promulgate the standards to ensure that the subdivision green park instituted creates a balanced and healthful ecology within the community.

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

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

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

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

SEC. 15. Implementing Rules and Regulations. – The DENR and the HLURB shall formulate the necessary rules and regulations for the implementation of this Act.

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

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

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

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

Approved,