



HOUSE OF REPRESENTATIVES

H. No. 4074

BY REPRESENTATIVES ZAMORA (M.), GOLEZ, VILLAR, NOGRALES,
BARINAGA, ROMUALDO, JOAQUIN AND BADELLES, PER. COMMITTEE
REPORT NO. 618

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:*

1 SECTION 1. *Short Title.* – This Act shall be known as the “Subdivision
2 Green Parks Act of 2005.”

3 SEC. 2. *Declaration of Policy.* – Article II, Section 16 of the
4 Constitution provides that, the State shall protect and advance the right of the
5 people to a balanced and healthful ecology in accord with the rhythm and
6 harmony of nature. In pursuit thereof, a National Green Parks Program is
7 hereby instituted, providing funds to program components and granting
8 incentives to sectors identified in this Act.

1 SEC. 3. *Coverage.* - All subdivisions developed for residential,
2 industrial or commercial purposes.

3 SEC. 4. *Subdivision Green Park Program.* - Trees shall be planted and
4 maintained in open spaces as defined in Section 31 of Presidential Decree No.
5 957, as amended by Presidential Decree No. 1216, or in areas reserved
6 exclusively for parks, playgrounds, recreational uses, schools, along roads, in
7 places of worship, hospitals, health centers, barangay centers and other similar
8 facilities in a subdivision project.

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

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

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

20 The Department of Environment and Natural Resources (DENR) and
21 the Housing and Land Use Regulatory Board (HLURB) shall determine the
22 number of trees to be planted which shall not be less than thirty (30) trees per

1 hectare, the variety of trees to be planted and their distribution, and the size of
2 the Green Park that shall be established in the subdivision.

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

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

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

1 SEC. 7. *Role of Homeowners Associations.* – The homeowners
2 association shall promote the interest and well-being of homeowners and assist
3 in community development. In the absence of a homeowners association
4 organized pursuant to Section 30 of Presidential Decree No. 957, a group of
5 environmentally-concerned homeowners will suffice in carrying out the
6 provisions of this Act.

7 SEC. 8. *Incentives.* – The homeowners association within the
8 subdivision of the participating program shall be entitled to the following
9 incentives:

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

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

19 SEC. 9. *Requirements.* – In order to avail of the aforementioned
20 incentives, the homeowners association shall submit to the DENR the
21 requirements for the development and maintenance of a subdivision green
22 park, which shall include:

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

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

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

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

14 SEC. 11. *Issuance of Certification.* – Upon submission of all the
15 requirements by the homeowners association, the DENR shall issue a
16 certification that the development and maintenance plans meet the ecological
17 standards set. The certification shall be the basis, upon application by the
18 homeowners association with the proper agency or authority, for the grant of
19 incentives under this Act.

20 SEC. 12. *Prohibition.* – No artificial structures or improvements shall
21 be constructed within the subdivision green park unless such structures or
22 improvements are absolutely necessary for the development and maintenance

1 of the subdivision green park, as well as the preservation of the ecological
2 system contained therein.

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

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

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

16 SEC. 16. *Penal Clause.* – Any person who shall violate Sections 4, 6
17 and 12 hereof, or any rules or regulations promulgated pursuant thereto, shall
18 be punished with imprisonment of not less than six months, but not more than
19 two years, or be fined with not less than Five hundred thousand pesos
20 (P500,000.00), but not more than One million pesos (P1,000,000.00), or both
21 at the discretion of the court: *Provided,* That in case of corporations,
22 partnerships, cooperatives or associations, the president, manager or

1 administrator or the person in charge of the administration of the business
2 shall be criminally responsible for any violation of this Act and/or rules and
3 regulations promulgated pursuant thereto: *Provided, further,* That if the
4 violator is the developer, its business licenses and permits shall be
5 automatically revoked.

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

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

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

Approved,

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