

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3661



Introduced by Rep. Erico Aristotle C. Aumentado

EXPLANATORY NOTE

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

Section 16, Article II of the 1987 Constitution states:

Sec. 16. *"The State shall protect and advance the right of the people to balanced and healthful ecology in accord with the rhythm and harmony of nature."*

In 1976, Presidential Decree No. 935 was issued requiring the planting of trees in certain places reserved for the common use and enjoyment of the owners of the 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 PD1216 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 Used Regulatory Board (HLURB). However, by the 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 project remain with the HLURB.

On February 24, 2011, the Pres. 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 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 project sites. The bill aims to help reduce air pollution, particularly in the 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 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.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the bottom.

ERICO ARISTOTLE C. AUMENTADO

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AN ACT

REQUIRING SUBDIVISION AND CONDOMINIUM OWNERS OR DEVELOPERS, AND LOCAL GOVERNMENT UNITS IMPLEMENTING HOUSING PROJECTS, TO PROVIDE OPEN SPACES FOR TREE PLANTING AND PROVIDING PENALTY FOR VIOLATION THEREOF

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 and Condominium Tree Planting Act."

SEC. 2. Declaration of Policy.- It is the policy of the State to protect and advance the right of the people to balanced and healthful ecology in accord with the rhythm and harmony nature. Towards this end, the State shall require subdivision and condominium owners or developers, and local government units (LGU) implementing their respective housing projects, to provide open spaces within their sites, and implement a sustainable tree planting development program.

Sec. 3. Definition of Terms.- As used in this Act;

- (a) Condominium projects refers to the entire parcel of real estate property divided or to be divided primarily for residential purposes into the condominium units, including all structures thereon;
- (b) Developer refers to the person who develops or improves the subdivision or condominium project for and in behalf of the owner thereof;
- (c) Open Space refer to the area reserved exclusively for parks, playgrounds or recreational uses;

- (d) Owner refers to the registered owner of the land subject of a subdivision or a condominium project; and
- (e) Subdivision project refers to a tract or parcel of land registered under Republic Act No. 496 which is petitioned primarily for residential purposes into individual lots with or without improvements thereon, and offered to the public for sale, in cash or in installment terms including residential, commercial, industrial and recreational areas as well as open spaces and other community and public areas in the project.

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

Sec. 5. Open Space for Tree Planting.- All subdivision and condominium owners or developers, and LGUs implementing their respective housing projects, shall provide open spaces which shall be reserved for parks, playground, recreational use and tree planting purposes.

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

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

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

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

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

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

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

SEC. 8.- Penal Provision.- (a) An owner or developer of a subdivision or condominium project who violates Section 5,6 and 7 of this Act, or any regulation promulgated thereunder, shall be punished with a fine of not less than Five hundred thousand pesos (500,000.00), but not more than One million pesos (1,000,000.00) 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 (10,000.00)

(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 Section 5 and 6 of this Act, shall be punished with a fine of not less than Five hundred thousand pesos (500,000.00) 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 fails to comply with the requirements under this Act shall be administratively liable under existing laws.

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

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

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

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

Approved,