

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **1338**

HOUSE OF REPRESENTATIVES

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Introduced by **HONORABLE SCOTT DAVIES S. LANETE, M.D.**

EXPLANATORY NOTE

Many families in the urban areas today choose to live in condominium units. These types of real estate property provide convenient, smartly-designed and cost-efficient homes and they are fast becoming a new way of life for modern Filipino families.

However, being smartly-designed, cost-efficient and convenient does not always mean they are consciously made to promote healthy, sustainable and green living. And by "green living" means the efficient use of natural resources, eco-friendly construction materials, and minimizing negative impact of the development to nature.

Christopher de la Cruz, an architect and president of the Philippine Green Building Council (PhilGBC), a Filipino non-stock corporation that promotes green initiatives, said "With rapid urbanization and in the name of progress, we kept on building and building to the point that we exceeded our carrying capacity."

De la Cruz, who drafted the green guide for socialized housing for the National Housing Authority, said efforts should be made to make surfaces permeable, and to require landscapers to use local plants which require less water and pesticides.

According to Intergovernmental Panel on Climate Change (IPCC), the earth has 50 years to cut the 200-gigatonnes of carbon dioxide in the atmosphere, otherwise the heat will reach the tipping point.

Therefore, in keeping with the mandate of the 1987 Constitution which mandates the State to protect and advance the right of the people to a balanced and healthful ecology in accord with rhythm and harmony of nature, Republic Act No. 4726 or the Condominium Act must be amended to require condominium developers to establish and maintain green spaces in all condominium projects. Everyone has to do his or her part in promoting and preserving the health of the environment. Hence, the immediate passage of this Bill is sought.



SCOTT DAVIES S. LANETE, M.D.
Representative
Third District, Province of Masbate

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House Bill No. **1338**

Introduced by **HONORABLE SCOTT DAVIES S. LANETE, M.D.**

AN ACT MANDATING THE ESTABLISHMENT AND MAINTENANCE OF GREEN SPACES IN CONDOMINIUM PROJECTS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 4726 OTHERWISE KNOWN AS THE CONDOMINIUM ACT, 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 "Green Spaces Act of 2016."

Sec. 2. *Declaration of Policy.* It is hereby declared as a national policy the building, establishment and maintenance of green spaces in condominium projects nationwide in order to promote and advance a balanced and healthful ecology, improve the quality of condominium living and promote and preserve environmental health in urban areas.

Sec 3. *Scope.* This Act shall cover all residential and condominium projects to be established and built after the effectivity of this Act.

Sec. 4. *Definition of Terms.*

- a. Green spaces shall mean open areas in condominium projects not less than twenty-five (25) percent of the total area of the said project where local plants and trees are planted and which uses efficient and environmentally-friendly building.

Sec 5. *Green spaces.* Every owner and/or developer of condominium projects after the effectivity of this Act shall reserve, develop and maintain not less than twenty-five (25%) of the total areas of the project areas for green spaces.

Sec. 6. *Certificate of Registration, Development Permit and License to Sell.* No Certificate of Registration, Development Plan and License to Sell shall be approved and issued by the Hosing and Land Use Regulatory Board or any office or agency of the government except when at least 25% of the total area of the project is reserved and developed as spaces for green spaces. The owners and/or developers are further required to include the proposed green spaces in the plan to be submitted to the HLURB or any office or agency of the government issuing the necessary permit or license.

Sec. 7. *Sec. 4 of Republic Act No. 4726 is hereby amended as:*

“Sec. 4. The provisions of this Act shall apply to property divided or to be divided into condominiums only if there shall be recorded in the Register of Deeds of the province or city in which the property lies and duly annotated in the corresponding certificate of title of the land, if the latter had been patented or registered under either the Land Registration or Cadastral Acts, an enabling or master deed which shall contain, among others, the following:

XXXX

(g) The following plans shall be appended to the deed as integral parts thereof:

XXX

(3) A survey plan and diagrammatic plan of the green spaces in the project, in sufficient detail to identify the space, its relative location and approximate dimensions which shall not be less than twenty-five (25) percent of the total land area of the condominium project.

Sec. 8. *Penalties.*

- a. Any owner and/or developer of condominium projects who neglect or fail to establish and maintain green spaces in their projects shall be punished with a fine of not less than Five Hundred Thousand Pesos (Php500,000.00) but not more than One Million Pesos (Php1,000,000.00), without prejudice to the filing of appropriate administrative, criminal or civil charges against them.
- b. Any officer of the duly designated enforcement agency who neglect or fail to establish and maintain green spaces in their projects shall be punished with a fine of not less than Five Hundred Thousand Pesos (Php500,000.00) but not more than One Million Pesos (Php1,000,000.00), without prejudice to the filing of appropriate administrative, criminal or civil charges against them.

Sec 9. *Implementing Rules and Regulations.* The Housing and Land Use Regulatory Board shall have the power to promulgate the implementing rules and regulations as may be necessary to fully implement the objectives and purposes of this Act within one (1) years from the approval hereof.

Sec. 10. *Separability Clause.* – If any part or provision of this Act shall be held unconstitutional or invalid, other provisions which are not affected thereby shall continue to be in full force and effect.

Sec. 11. *Repealing Clause.* – All laws, issuances or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

Sec. 12. *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,