

THIRTEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES  
*First Regular Session*

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SENATE  
OFFICE OF THE SECRETARY

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SENATE

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S. No. 721

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INTRODUCED BY HON. MANUEL B. VILLAR, JR.

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#### EXPLANATORY NOTE

Recent findings point up the increasing importance of trees in achieving environmental balance. Trees purify the air we breathe: it takes only one a tree to neutralize the carbon dioxide breathed out by a man, a woman and child; 10 trees can neutralize a car's exhaust while 100 trees can neutralize a truck's exhaust.


It is in the light of such findings that we have crafted this Bill which seeks, in effect, to make open spaces in human settlement sites as "breathing spaces." As a sea diver wears a self-contained underwater breathing apparatus or scuba diving equipment, plants and trees in our surroundings provide the equivalent self-contained terrestrial breathing apparatuses.

This bill seeks to require the planting of trees in open spaces of residential subdivisions amending Section 31 of P.D. No. 1216. Also, the Bill provides that "no subdivision project shall be approved without the inclusion of a tree-planting program in its plans."

Subdivisions are mushrooming in various parts of the country. As rawlands with their stock of wild plant growth are bulldozed and transformed into subdivisions sites, the consequent utilization of land leaves lasting impact on a locality's environment. Sound site development and planning requires environmental renewal and protection.

As we instill among the people the need to protect and restore our much-abused environment, let us also do our share no matter how modest in ensuring our ecological balance in housing and human settlement sites.

For such reasons, immediate passage of the Bill is earnestly requested.

  
MANUEL B. VILLAR, JR.

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**AN ACT REQUIRING THE PLANTING OF TREES IN OPEN SPACES OF  
SUBDIVISION PROJECTS DEVELOPED FOR RESIDENTIAL, INDUSTRIAL, OR  
COMMERCIAL PURPOSE, 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 cited as the "Greening Act of 2004."

SEC. 2. Declaration of Policy. - It shall be the policy of the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

SEC. 3. Coverage. - Every owner of land subdivided and developed for residential, industrial, or commercial purpose shall reserve, develop, and maintain at least thirty percent (30%) of the gross area as open space for parks, playgrounds, recreational uses, schools, roads, places of worship, hospitals, health centers, barangay centers, and other similar amenities. For residential subdivision projects one (1) hectare or more, the open space allocated exclusively for parks, playgrounds and recreational uses shall have the following standards:

(a) Nine percent (9%) of gross area for high-density or social housing (21 to 65 family lots per gross hectare);

(b) Seven percent (7%) of gross area for medium-density or economic housing (21 to 65 family lots per gross hectare); and

(c) Three and one-half percent (3.5%) of the gross area for low-density or open market housing (21 to 65 family lots and below per gross hectare).

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 owners of the lots there as well as along all roads and service streets.

SEC. 4. Nature of Open Space and Requirement of Tree Planting. - Those areas reserved for parks, playgrounds and recreational uses shall be non-alienable and non-buildable 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 years from the approval of the plan.

SEC. 5. Rules and Regulations. - The Housing and Land Use Regulatory Board shall issue such rules and regulations or guidelines as may be necessary for the implementation of this Act. The Board shall consult with the Bureau of Forest Development as to the appropriate species of trees to be planted.

SEC. 6. Penal Clause. - Any person who shall violate the provisions of Section 3 and 4 hereof, or any rules or regulations promulgated thereunder shall be punished with six (6) months and one (1) day to six (6) years imprisonment, or with a fine equivalent to the value, at prevailing valuation, of the area representing ten percent (10%) of the total area of the subdivision project developed for residential, industrial, or commercial purposes, or both imprisonment and fine 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 the rules and regulations promulgated pursuant thereto.

SEC. 7. Repealing Clause. - Paragraphs 1 and 2 of Section 31 of Presidential Decree No. 957, as amended by Presidential Decree No. 1216, and all laws, decrees, regulations, or issuance or parts thereof inconsistent with this Act are hereby repealed accordingly.

SEC. 8. Suppletory Application of Existing Laws. - Presidential Decree No. 953, as amended, and all laws, decrees and regulations or issuance or parts thereof not inconsistent with this Act shall have suppletory effect.

SEC. 9. Effectivity Clause. - This Act shall take effect immediately upon its approval.

Approved,