

THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

}

SENATE
OFFICE OF THE CLERK

04 30 30 73 02

SENATE

RECORDS

Adler

S. No. 724

INTRODUCED BY HON. MANUEL B. VILLAR JR.

EXPLANATORY NOTE

Our Government's policy to provide adequate shelter for the people should be in consonance with that of ensuring a healthy environment in which to live in.

Article II, Section 16 of the Constitution provides: "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."

Relative thereto, this bill seeks to grant incentives to subdivision homeowners to preserve their environment, such that a portion of the subdivision is developed and maintained by them for the planting and growing of trees and plants.

Presidential Decree No. 1216 provides for "open spaces" reserved for parks, playgrounds and for recreational use. Furthermore, Presidential Decree No. 953 requires the planting of trees in, among others, such open spaces. But these are not enough.

This bill, therefore, seeks to expand the area to be devoted to the preservation of the ecological balance of nature. In reserving a whole area for such activity, and by getting the community members involved, it is hoped that there would eventually be a sincere appreciation for a healthy, clean and natural environment.

The passage of this bill is earnestly sought.


MANUEL B. VILLAR, JR.

THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

}

OFFICE OF THE SECRETARY
101 JUN 30 10 52

RECEIVED BY: *Ardu*

SENATE

S. No. 724

INTRODUCED BY HON. MANUEL B. VILLAR JR.

**AN ACT GRANTING INCENTIVES TO SUBDIVISION HOMEOWNERS
ASSOCIATIONS TO DEVELOP AND MAINTAIN FORESTED AREAS WITHIN
THEIR SUBDIVISIONS, AND FOR OTHER PURPOSES**

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

SECTION 1. Title - This Act shall be known as "The Green Parks Act of 2004."

SECTION 2. Declaration of Policy - It is the policy of the State to encourage the preservation of the ecological balance of nature. In line with this, the State hereby grants incentives for the development and maintenance of forested areas within subdivision projects so that a balanced and healthy environment will exist within the community.

SECTION 3. Definition of Terms- When used in this Act, the following terms shall, unless the context otherwise indicates, have the following respective meanings:

(a) "Subdivision project" means 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 in installment terms. It shall include all residential, commercial, industrial and recreational areas, as well as open spaces and other community and public areas in the project.

(b) "Association" means the association of homeowners within the subdivision, organized primarily to promote the best interests and well-being, as well of property in the subdivision project.

(c) "Green park" means an area, designated on the subdivision plan, of forested land, developed and maintained by the Association, reserved for public use as an ecological refuge. Such green park shall be devoted exclusively to the planting and growing of trees of any kind, flowering or ornamental plants and shrubs, or plants of scenic, aesthetic and ecological values.

(d) "Bureau" means the Bureau of Forest Development.

SECTION 4. Area. - The area of one green park shall be at least five percent (5%) of the total gross area of the subdivision project.

SECTION 5. Requirements - In order to avail of the benefits granted under Section 7 hereof, the Association shall submit to green park, which shall include:

(a) The subdivision plan as approved by the Director of Lands, as provided for under the second paragraph of Section 4 of Presidential Decree No. 957"

(b) An indication of the types of trees and plants planted and grown in the green park; and

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

SECTION 6. Issuance of Certification. - Upon submission of all the requirements mentioned in Section 5 hereof, the Bureau shall issue a certification to that effect. However, the Bureau shall have the power to determine whether the development and maintenance plans for the green park meet such standards which the Bureau itself shall promulgate, in order to ensure that the green park creates a balanced and healthful ecology within the community. Should the Bureau determine that the development and maintenance plans fail to meet such issued. The certification shall be the basis, upon application by the Association with the proper agency or authority, for the grant of the benefits under Section 7 hereof.

SECTION 7. Benefits - upon presentation of the certification, as provided for under the second paragraph of Section 6 hereof, the Association shall be entitled to the following benefits:

(a) The Bureau of Plant Industry shall provide the Association with tree and plant seedlings, for free and without cost to the latter, for planting in the green park;

(b) The Department of Public Works and Highways, through the appropriate agency, shall provide the Association with an artesian well, for free and without cost to the latter to be used exclusively for the development and maintenance of the green park; and

(c) The city or municipal government where the green park is located shall provided the Association with tools and implements, for free and without cost to the latter, to be used exclusively for the maintenance of the green park.

SECTION 8. Prohibition - In no case shall any artificial structures or improvements be constructed within the or improvements are absolutely necessary for the development and maintenance of the Green park, as well as the preservation of the ecological system contained therein.

SECTION 9. Cancellation of Certification - If at any time the Bureau determines, upon application of any person, that the state and condition of the green park ceases to serve its purpose, or that the standards of the Bureau are no longer met, the Bureau shall cancel its certification. Such cancellation shall mean that all benefits already granted or availed of under Section 7 hereof shall be withdrawn, and no benefits may be further availed of.

SECTION 10. Re-application. - If, within a reasonable time, as determined by the Bureau, from the time of the cancellation of the certification, as provided under Section 9 hereof, the Bureau approves a re-application by the Association for a certification, as provided for under Section 5 hereof, the benefits granted under Section 7 hereof may be availed of pursuant to the terms and conditions provided for under Section 6 and Section 9 hereto.

SECTION 11. Repealing Clause - All laws, decrees executive order, letters of instruction, proclamations, rules and regulations inconsistent with this Act shall be modified, amended or repealed accordingly.

SECTION 12. Separability Clause - If for any cause, any part or provision of this Act is declared invalid or unconstitutional, the remainder of any part or provision not affected thereby shall remain in force and effect.

SECTION 13. Effectivity - This Act shall take effect after fifteen (15) days following its publication in the official Gazette or in at least two (2) newspapers of general circulation.

Approved,