


FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

OFFICE OF THE CLERK

10 JUL 13 AM 11:21

SENATE
S.B. No. 1361

RECEIVED BY 

Introduced by Senator Loren Legarda

EXPLANATORY NOTE

This bill seeks to require all residential subdivisions to set aside an area exclusively devoted to trees and plants that have ecological and scenic value as a way of harmonizing infrastructure development with the ecological improvement of the environment.

Under this bill, Government will help provide seedlings needed to keep the subdivision parks *green*.

The importance of this bill is highlighted with the recent tragedy that struck many Filipinos during the heavy rains and floods that swept the country. This bill is actually a companion bill on illegal logging, banning commercial logging for the next twenty-five (25) years. Both bills are intended to restore ecological balance.

In view of the foregoing, passage of this bill is earnestly requested.



LOREN LEGARDA
Senator

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

OFFICE OF THE SECRETARY

10 JUL 13 AM 12:22

SENATE
S.B. No. 1361

RECEIVED BY: 

Introduced by Senator Loren Legarda

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:

1 **SECTION 1. Title.** - This Act shall be known as "**The Green Parks Act of**
2 **2010.**"

3
4 **SEC. 2. Declaration of Policy.** - Article 11, Section 16 of the Constitution
5 provides that: "The State shall protect and advance the right of the people to a
6 balanced and healthful ecology in accord with the rhythm and harmony of nature."
7 Towards this end, the State hereby grants incentives for the development and
8 maintenance of forested areas within subdivision projects so that a balanced and
9 healthy environment will exist within the community.

10
11 **SEC. 3. Definition of Terms.** - When used in this Act, the following terms
12 shall, unless the context otherwise indicate, have the following respective meanings:

13
14 (a) "**Subdivision Project**" refers to a tract or parcel of land registered under Act.
15 No. 4%. partitioned primarily for residential purposes into individual lots,
16 With or without improvements thereon, and offered to the public for sale, in
17 cash or installment terms. It shall include all residential, commercial,
18 industrial and recreational areas, as well as open spaces and other community
19 and public areas in the project.

20
21 (b) "**Association**" refers to the association of homeowners within the
22 subdivision, organized primarily to promote the best interest and well-being,

1 as well as safeguard the welfare, of the residents and owners of property in
2 the subdivision project.

3
4 (c) "*Green park*" refers to an area, designated on the subdivision plan of forested
5 land, developed and maintained by the Association, reserved for public use
6 as an ecological refuge. Such green park shall be devoted exclusively to the
7 planting and growing of trees of any kind, flowering or ornamental plants
8 and shrubs, or plants of scenic, aesthetic and ecological values.

9
10 (d) "*Bureau*" refers to the Bureau of Forest Development.

11
12 **SEC. 4. *Area.*** - The area of one green park shall be at least be five percent (5%)
13 of the total gross area of the subdivision project.

14
15 **SEC. 5. *Requirements.*** - To avail of the benefits granted under Section 7 of this
16 Act, the Association shall submit to the Bureau the plans for the development and
17 maintenance of the green park, which shall include:

18
19 (a) The subdivision plan as approved by the Director of Lands, as provided for
20 under the second paragraph of Section 4 of Presidential Decree No. 957;

21
22 (b) An indication of the types of trees and plants planted and grown in the green
23 park; and

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

27
28 **SEC. 6. *Issuance of Certification.*** - Upon the submission of all the
29 requirements mentioned in Section 5 hereof, the Bureau shall issue a certification to
30 this effect. The Bureau shall also have the power to determine whether the
31 development and maintenance plans for the meet the standards that the Bureau
32 shall promulgate, to ensure that the green park creates a balanced and healthful
33 ecology within the community. No certification shall be issued should the
34 development and maintenance plans fail to meet such standards. The ratification
35 shall be the basis, upon application by the Association with the proper agency or
36 authority, for the grant of the benefits under Section 7 of this Act.

1
2 **SEC. 7. Benefits.** - Upon presentation of the certification as provided for
3 under the second paragraph of Section 6 of this Act, the Association shall be entitled
4 to the following benefits:

5
6 (a) The Bureau of Plant Industry shall provide the Association with tree and
7 plant seedlings for planting in the green park for free; and

8
9 (b) The city or municipal government where the green park is located shall
10 provide the Association with tools and implements, for free, to be used
11 exclusively for the maintenance of the green park.

12
13 **SEC. 8. Prohibition.** - In no case shall any artificial structure or improvement
14 be constructed within the boundaries of the green park, unless such artificial
15 structures or improvements are absolutely necessary for the development and
16 maintenance of the Green park, as well as the preservation of the ecological system
17 contained therein.

18 **SEC. 9. Cancellation of Certification.** - If at any time the Bureau determines,
19 upon application of any person, that the state and condition of the green park ceases
20 to serve its purpose, or that the standards of the Bureau are no longer met, the
21 Bureau shall cancel its certification. Such cancellation shall result to the withdrawal
22 of all benefits already granted or availed of under Section 7 of this Act and no
23 benefits may be further availed of by the Association.

24
25 **SEC. 10. Re-application.** - If, within a reasonable time as determined by the
26 Bureau from the time the certification is cancelled as provided for under Section 9 of
27 this Act, the Bureau approves a re-application by the Association for the certification
28 as provided for under Section 5 of this Act, the benefits granted under Section 7 of
29 this Act may be availed of pursuant to the terms and conditions provided for under
30 Sections 6 and Section 9 of this Act.

31
32 **SEC 11. Repealing Clause.** - All laws, decrees, executive orders,
33 proclamations, rules and regulations inconsistent with this Act shall be modified,
34 amended or repealed accordingly.

35
36 **SEC. 12. Separability Clause.** - If any part or provision of this Act is declared

1 unconstitutional, the remaining provisions hereof not affected thereby shall continue
2 to have the force and effect of law.

3

4 **SEC. 23. Effectivity.** - This Act shall take effect fifteen (15) days following its
5 publication in at least two (2) newspapers of general circulation.

6

7 Approved,