RESOLUTION

DIRECTING THE APPROPRIATE COMMITTEE OF THE HOUSE OF REPRESENTATIVES, TO CONDUCT AN INQUIRY IN AID OF LEGISLATION, ON THE IMPLEMENTATION OF PRESIDENTIAL DECREE NUMBER 1216 ENTITLED “DEFINING ‘OPEN SPACE’ IN RESIDENTIAL SUBDIVISIONS AND AMENDING SECTION 31 OF PRESIDENTIAL DECREE NO. 957 REQUIRING SUBDIVISION OWNERS TO PROVIDE ROADS, ALLEYS, SIDEWALKS AND RESERVE OPEN SPACE FOR PARKS OR RECREATIONAL USE” AND FOR OTHER PURPOSES

Whereas, there have been several cases filed in court involving real estate developers and subdivision owners who purportedly sell or alienate open spaces supposedly to be utilized for the purposes provided under Presidential Decree No. 1216 (PD 1216) entitled “Defining ‘Open Space’ in Residential Subdivisions and Amending Section 31 of Presidential Decree No. 957 Requiring Subdivision Owners to Provide Roads, Alleys, Sidewalks and Reserve Open Space for Parks or Recreational Use”;

Whereas, a case in point is the one filed by the Homeowners Association of San Jose Village in Barangay Alabang, Muntinlupa City against the developers of said subdivision for allegedly altering the original subdivision plan by converting areas reserved for public parks and/or spaces for other purposes;

Whereas, PD 1216 was signed into law on October 1977 by President Ferdinand Marcos and it defined “open space” with regard to residential subdivisions and at the same time it amended Section 31 of Presidential Decree Number 957 requiring subdivision owners to provide roads, alleys, sidewalks and reserve open spaces for parks or recreational use;

Whereas, PD 1216 defined the term “open space” to mean as an area reserved exclusively for parks, playgrounds, recreational uses, schools, roads, places of worship, hospitals, health centers, barangay centers and other similar facilities and amenities;

Whereas, the same law also mandated that the allocated “open space” shall be non-alienable public lands, and non-buildable and that upon their completion as certified to by the National Housing Authority, the roads, alleys, sidewalks and playgrounds shall be donated by the owner or developer to the city or municipality and it shall be mandatory for the local governments to accept provided, however, that the parks and playgrounds may be donated to the Homeowners Association of the project with the consent of the city or municipality concerned. No portion of the parks and playgrounds donated thereafter shall be converted to any other purpose or purposes;
Whereas, under Human Settlements Regulatory Commission (HSRC) Administrative Order No. 82-01 (Series of 1982), an application for the Certificate of Completion is needed in order for the owner or developer of a subdivision project to be able to donate the road lots and open space of the same to the local government. The process requires an application form filled up as well as a Letter of Intent to Donate the road lots and open spaces to the local government;

Whereas, in spite of the clear and concise wording of PD 1216, there seemingly are unscrupulous land owners and developers who deliberately find ways of circumventing the law for their own personal gain at the expense of the residents and homeowners who are basically deprived of the enjoyment of such open and recreational spaces in their respective subdivisions;

Whereas, it is imperative to look into the current implementation of PD 1216 particularly on the compliance of real estate developers and subdivision owners on the donation or turn-over of title and ownership to the respective local government unit or homeowners' association as the case may be so as to be able to gauge the efficacy of the said law and determine if amendments are necessary;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, to direct the appropriate committee of the House of Representatives, to conduct an inquiry in aid of legislation, on the implementation of Presidential Decree Number 1216 entitled “Defining ‘Open Space’ in Residential Subdivisions and Amending Section 31 of Presidential Decree No. 957 Requiring Subdivision Owners to Provide Roads, Alleys, Sidewalks and Reserve Open Space For Parks or Recreational Use”.

Adopted,

[Signature]

ROZANO RUFFINO B. BIAZON
Representative
Lone District, Muntinlupa City