

MALACAÑANG
MANILA

PRESIDENTIAL DECREE NO. 1216

DEFINING "OPEN SPACE" IN RESIDENTIAL SUBDIVISION AND AMENDING SECTION 31 OF PRESIDENTIAL DECREE NO. 957 REQUIRING SUBDIVISION OWNERS TO PROVIDE ROADS, ALLEYS, SIDEWALKS AND RESERVE OPEN FOR PARKS OR RECREATIONAL USE.

WHEREAS, there is a compelling need to create and maintain a healthy environment in human settlements by providing open spaces, roads, alleys and sidewalks as may be deemed suitable to enhance the quality of life of the residents, therein;

WHEREAS, such open spaces, roads, alleys and sidewalks in residential subdivision are for public use and are, therefore, beyond the commerce of men;

WHEREAS, pursuant to Presidential Decree No. 953 at least thirty percent (30%) of the total area of a subdivision must be reserved, developed and maintained as open space for parks and recreational areas, the cost of which will ultimately be borne by the lot buyers which thereby increase the acquisition price of subdivision lots beyond the reach of the common mass;

WHEREAS, thirty percent (30%) required open space can be reduced to a level that will make the subdivision industry viable and the price of residential lots within the means of the low income group and at the same time preserve the environmental and ecological balance through rational control of the land use and proper design of space and facilities;

WHEREAS, pursuant to Presidential Decree No. 757, government efforts in housing, including resources, functions and activities to maximize results have been concentrated into one single agency, namely, the National Housing Authority;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and decree;

SECTION 1. For purposes of this Decree, the term "open space" shall mean 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.

SECTION 2. Section 31 of Presidential Decree No. 957 is hereby amended to read as follows:

"SECTION 31. Roads, Alleys, Sidewalks and Open Spaces. — The owner as developer of a subdivision shall provide adequate roads, alleys and sidewalks. For subdivision projects one (1) hectare or more, the owner or developer shall reserve thirty (30%) percent of the gross area for open space. Such open space shall have the following standards allocated exclusively for parks, playgrounds and recreational use:

- a. 9% of gross area for high density or social housing (66 to 100 family lot per gross hectare).
- b. 7% of gross area for medium-density or economic housing (21 to 65 family lot per gross hectare).
- c. 3.5% of gross area for low-density or open market housing (20 family lots and below per gross hectare).

These areas reserved for parks, playgrounds and recreational use shall be non-alienable public lands, and non-buildable. The plans of the subdivision project shall include tree-planting on such parts of the subdivision as may be designated by the Authority.

Upon their completion as certified to by the 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 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.

SECTION 3. Section 2 and 5 of Presidential Decree No. 953 are hereby repealed and other laws, decrees, executive orders, institutions, rules and regulations or parts thereof inconsistent with these provisions are also repealed or amended accordingly.

SECTION 4. This Decree shall take effect immediately.

DONE in the City of Manila, this 14th day of October in the year of Our Lord, nineteen hundred and seventy-seven.

(SGD.) FERDINAND E. MARCOS
President of the Philippines

By the President:

(SGD.) JUAN C. TUVERA
Presidential Assistant



Republic of the Philippines

Ministry of Human Settlements

HUMAN SETTLEMENTS REGULATORY COMMISSION

LIBRARY

HOUSING AND LAND USE REGULATORY COMMISSION

HSRC Administrative Order No. 82-01
Series of 1982

RULES AND REGULATIONS IMPLEMENTING SEC. 31 OF PRESIDENTIAL DECREE NO. 957,
AS AMENDED BY PRESIDENTIAL DECREE NO. 1216

Pursuant to Article IV, Sec. 5(c) of Executive Order No. 648 and Commission Proper Resolution No. R-79, Series of 1982, the following Rules and Regulations are hereby promulgated to implement Sec. 31 of P.D. No. 957, as amended by P.D. No. 1216.

RULE I GENERAL PROVISIONS

Section 1. **Title.** These Rules and Regulations shall be known as the Subdivision Regulations on Donation of Road Lots and Open Space, hereinafter referred to as the Rules.

Section 2. **Scope of Application.** These Rules shall apply only to subdivision projects duly registered and/or licensed by the Human Settlements Regulatory Commission.

Section 3. **Declaration of Policies.** It is the policy of the government to create and maintain a healthy environment in human settlements by providing open spaces, roads, alleys, and sidewalks as may be deemed suitable to enhance the quality of life of the residents therein.

RULE II DEFINITION OF TERMS

Section 4. **Definition of Terms.** For purposes of these Rules:

- a) **Commission** — shall mean the Human Settlements Regulatory Commission;
- b) **Subdivision project** — shall mean a tract or parcel of land registered under Act No. 496 which is 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 plans. It shall include all residential, commercial, industrial and recreational areas, as well as open spaces and other community and public areas in the project;
- c) **Open space** — shall mean an area reserved exclusively for parks, playgrounds, recreational uses, and other similar facilities and amenities;
- d) **Road lots** — shall include roads, sidewalks, alleys and planting strips, and its gutters, drainage and sewerage.

RULE III APPROVAL OF APPLICATION FOR CERTIFICATE OF COMPLETION

Section 5. **Application for Certificate of Completion.** Every registered owner or developer of a subdivision project who wishes to donate the road lots and open space of the same to the local Govern-

ment shall first apply with the Commission for Certificate of Completion by filing in triplicate the following:

- 1) application form duly filled up; and
- 2) letter of Intent to Donate the road lots and open space to the local Government.

Section 6. Procedures. Upon receipt of the application, the Commission in coordination with the City/Municipality concerned shall conduct an inspection of the subdivision. The inspector(s) shall then prepare his/her findings and/or recommendation to the Commissioner-in-charge who will act on the same.

Section 7. Approval. If the facts stated in the application for Certificate of Completion are verified to be true and correct after the site inspection, the application shall be approved through the issuance of the Certificate of Completion by the Commission.

Thereafter, the registered owner or developer shall submit the Certificate of Completion issued by the Commission to the City/Municipality concerned together with his/her Deed of Donation which must be executed within six (6) months from the date of issuance of the Certificate.

Should the registered owner or developer fail to execute the Deed of Donation within the prescribed period, he/she must apply for a revalidation of the Certificate of Completion without prejudice to the application of second paragraph of Sec. 9 hereof.

RULE IV EFFECTS OF DONATION OF ROAD LOTS/OPEN SPACE

Section 8. Right of Grantee to Donate Road Lots and Open Space. Any person who is able to secure a Certificate of Completion from the Commission shall have the right to donate the road lots and open space to the City/Municipality concerned, provided that the parks, playgrounds and recreational use may be donated to the Homeowners' Association of the subdivision with the consent of the City/Municipality concerned.

Section 9. Effects. Once the registered owner or developer has secured the Certificate of Completion and has executed a Deed of Donation of Road Lots and Open Space, he/she shall be deemed relieved of the responsibility of maintaining the road lots and open space of the subdivision notwithstanding the refusal of City/Municipality concerned to accept the donation.

Should the registered owner or developer merely secure a Certificate of Completion without executing the corresponding deed of donation, he/she is still deemed responsible for the maintenance of the subdivision facilities in which case a reasonable amount of the performance bond shall be reserved to guarantee the maintenance of the road lots and open space. This reserved amount shall be totally released by the Commission only upon showing by the registered owner or developer of proof of a deed of donation executed in favor of the City/Municipality concerned subject to the provision of Sec. 7 of these Rules.

Section 10. Use of Donated Road Lots and Open Space. Road lots and open space donated by the owner or developer to the City/Municipality or to the Homeowners' Association as the case may be shall not be converted to any purpose or purposes. In connection therewith, parks, playgrounds and recreational uses and other similar facilities and amenities shall be non-alienable lands, and no building or structure shall be built thereon other than those which are essential to the said open space as determined by the City/Municipality.



Should the donee-City/municipality, or the Homeowners' Association, as the case may be, wish to change or alter the use of the open space in the subdivision, prior permission from the Commission and written conformity of the duly organized homeowners' association, or, in the absence of the latter, by the majority of the lot buyers in the subdivision, shall be secured provided that the required open space shall likewise be allocated in other areas of the subdivision.

**RULE V
MISCELLANEOUS PROVISIONS**

Section 11. Fees. Until such time that the Commission shall have adopted a new schedule of fees, it shall apply and collect the inspection fees provided for under the implementing rules of PD 957 and its related laws.

Section 12. Effectivity. These rules shall take effect immediately after its publication in a newspaper of general circulation.

Promulgated, 26 August 1982, Makati, Metro Manila.


ERNESTO C. MENDIOLA
Commissioner and
Chief Executive Officer 

Attested:


EUFEMIO P. DACANAY
Acting Commission Secretary