



Republic of the Philippines

Ministry of Human Settlements

**HOUSING AND LAND USE REGULATORY
HUMAN SETTLEMENTS REGULATORY COMMISSION**

LIBRARY

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