



Republika ng Pilipinas
SANGGUNIANG PANLUNGSOD NG MARIKINA

ORDINANCE NO. 154
Series of 2022

ORDINANCE REPEALING ORDINANCE NO. 192 SERIES OF 1994, OTHERWISE KNOWN AS "REGULATING THE CONSTRUCTION OF FENCES IN THE MUNICIPALITY OF MARIKINA" THEREBY ALLOWING THE CONSTRUCTION OF FENCES TO ENCLOSE THEIR PROPERTIES, WHETHER SEE THRU OR CLOSED DESIGN

Introduced by:
Councilor DONN CARLO B. FAVIS

Co-sponsored by:
Councilor ROMMEL S. ACUÑA
Councilor RONNIE S. ACUÑA
Councilor CARL ELI F. AFRICA
Councilor JOSEPH B. BANZON
Councilor SERAFIN Y. BERNARDINO
Councilor CLOYD S. CASIMIRO
Councilor MARIFE T. DAYAO
Councilor ROMINA KATE N. DE GUZMAN
Councilor LEVY DL. DE GUZMAN
Councilor SAMUEL S. FERRIOL
Councilor RENATO B. MAGTUBO
Councilor ANGELITO R. NUÑEZ
Councilor HILARIO A. PUNZALAN
Councilor MANUEL E. SARMIENTO
Councilor LORETO F. TOLENTINO, JR.
Councilor ZIFFRED A. ANCHETA
Councilor JONAS MERVIN D. REYES
and Vice-Mayor MARION S. ANDRES, M.D.

WHEREAS, Ordinance No. 192, Series of 1994, otherwise known as "*Regulating the Construction of Fences in the Municipality of Marikina*", has provided regulations that prescribes a standard height for fences that allows a view or see thru of the inner yard and the improvements of a residential house in the City of Marikina;

WHEREAS, there is a clamor in the community to revise the aforesaid policy as it undermines the privacy and security of the residents inside their homes, as said policy prescribes an unimpeded view of their dwelling homes and their personal activities from the eyes of the public;

WHEREAS, the concept of privacy is enshrined in the Constitution and is regarded as the right to be free from unwarranted exploitation of one's person or from intrusion into one's private activities in such a way as to cause humiliation to a person's ordinary sensibilities;

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WHEREAS, the right to privacy in the home means to be free from unwarranted publicity, or to live without unwarranted interference by the public in matters in which the public is not necessarily concerned;

WHEREAS, in order to ensure the privacy, safety and security of the residents, fences with suitable height must be allowed to be constructed in their property based on the design that the property owner see as proper, in consideration to their privacy and security;

WHEREAS, under Section 458 (2) (vi) of Republic Act No. 7160 otherwise known as the Local Government Code of 1991 empowers the Sangguniang Panlungsod as the local legislative body of the city to "x x x Prescribe reasonable limits and restraints on the use of property within the jurisdiction of the city, x x x";

NOW, THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED BY THE SANGGUNIANG PANLUNGSOD OF MARIKINA in session duly assembled, that:

SECTION 1. Purpose and Coverage.- This Ordinance hereby repeals Ordinance No. 192 Series of 1994 and shall allow any suitable height of fences for residential structures or buildings actually used for dwelling purposes, regardless of the zoning coverage.

SECTION 2. Construction of Fences.- The standard height of fences or walls allowed under this Ordinance shall be in accordance to the applicable provisions of PD 1096 or the National Building Code of the Philippines and or any applicable zoning regulations, laws and ordinance.

Property Owners are allowed to construct any suitable design of fences to enclose their properties, whether see thru or closed, subject to the compliance with the specifications and other requirements mentioned above;

SECTION 3. Repealing Clause.- All existing Ordinances and Resolutions, Rules and Regulations inconsistent with the foregoing provisions are hereby repealed, amended or modified accordingly.

SECTION 5. Effectivity.- This Ordinance shall take effect after its approval.

ENACTED by the SANGGUNIANG PANLUNGSOD ng MARIKINA this 10th day of August 2022.

I **HEREBY CERTIFY** to the correctness of the foregoing Ordinance which was duly adopted by the *City Council* during its 6th Regular Session held on August 10, 2022.


NORALYN R. TINGCUNGO
City Council Secretary

ATTESTED:



SERAFINY. BERNARDINO
Pro-Tempore / Acting Presiding Officer

APPROVED by the **CITY MAYOR** on **NOV 2 2022**



MARCELINO R. TEODORO
City Mayor