



Republika ng Pilipinas
SANGGUNIANG PANLUNGSOD NG MARIKINA

ORDINANCE NO. 071
Series of 2019

ORDINANCE AMENDING SECTIONS 46 AND 54 OF ORDINANCE NO. 161, SERIES OF 2006 ENTITLED, "ORDINANCE ADOPTING THE 2006 COMPREHENSIVE ZONING REGULATIONS FOR MARIKINA CITY AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH"

Introduced by:

Councilor DONN CARLO B. FAVIS
Councilor ROMMEL S. ACUÑA
Councilor CARL ELI F. AFRICA
Councilor SERAFIN Y. BERNARDINO
Councilor CLOYD S. CASIMIRO
Councilor PAUL B. DAYAO
Councilor LEVY DL. DE GUZMAN
Councilor ROMINA KATE N. DE GUZMAN
Councilor SAMUEL S. FERRIOL
Councilor RENATO B. MAGTUBO
Councilor ANGELITO R. NUÑEZ
Councilor JOEL V. RELLEVE
Councilor RUBEN R. REYES
Councilor THADDEUS ANTONIO M. SANTOS, JR.
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, the City Council of Marikina enacted Ordinance No. 161, Series of 2006 on December 13, 2016 and was deemed approved by virtue of Section 54 (b) of Republic Act No. 7160 otherwise known as the Local Government Code of 1991;

WHEREAS, Sections 46 of the aforementioned Ordinance pertains to the "River/Stream, Fault Line and Utility Easement Regulations while Section 54 pertains to "Maintaining a linear park along Marikina River";

WHEREAS, both Sections of Ordinance No. 161, Series of 2006 provides for the adoption of Section 4, Ordinance No. 20, Series of 2003 and the amendment of Section 45, Item I of Ordinance No. 303, Series of 2000 as follows:

"1. The banks of rivers and streams, pursuant to the provisions of the Water Code, throughout their entire length and within a zone of ten (10) meters minimum for rivers/streams and three (3) meters minimum for creeks/esteros along their margins, are subject to easement of public use in the interest of recreation, navigation, floatage, fishing and salvage. No person shall be allowed to stay in this zone longer than what is necessary.

m

for space or recreation, navigation, floatage, fishing or salvage or to build any other structure of any kind. The whole stretch of the Marikina River is not buildable within 96 meters from the centreline of the water, this being a very vital floodway for the valley. HOWEVER, said 96 meters easement shall not apply if the properties are located above 20 meters flood level as determined by the City Engineering Department or if it is a government project or if it involved properties covered by Community Mortgage Program (CMP) where the level of the land is below the proposed Marikina Road Dike."

WHEREAS, however, there is a need to amend said provision so that the 96-meter river easement shall be strictly imposed and that the same shall be clear from any obstruction to be able to maintain a flood plane when the river swells during rainy days;

WHEREAS, allowing any construction on the 96-meter river easement will cause water displacement and will only aggravate the effects of flooding on the residents of Marikina City;

WHEREAS, the 96-meter river easement shall likewise be utilized by the residents of the City for parks and recreation during dry season;

WHEREAS, Section 16 of the Local Government Code of 1991 states that:

"Section 16. General Welfare. - Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants."

NOW THEREFORE, BE IT ORDAINED AS IT IS HEREBY ORDAINED BY THE CITY COUNCIL DULY ASSEMBLED IN SESSSION, that:

SECTION 1. Item 1, Section 46 and the 2nd paragraph of Section 54 of Ordinance No. 161, Series of 2003 is hereby amended to read as follows:

"1. The banks of rivers and streams, pursuant to the provisions of the Water Code, throughout their entire length and within a zone of ten (10) meters minimum for rivers/streams and three (3) meters minimum for creeks/esteros along their margins, are subject to easement of public use in the interest of recreation, navigation, floatage, fishing and salvage. No person shall be allowed to stay in this zone longer than what is necessary for space or recreation, navigation, floatage, fishing or salvage or to build any other structure of any kind. The whole stretch of the Marikina River is not buildable within 96 meters from the centreline of the water, this being a very vital floodway for the valley."

m