



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.

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**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.*

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*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 2<sup>nd</sup> 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."*

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**SECTION 2. *Repealing Clause.*** All ordinance and executive orders inconsistent with any of the provisions of this Ordinance are hereby repealed, amended and modified accordingly.

**SECTION 3. *Separability Clause.*** If, for any reason or reasons, any part or provision of this Ordinance shall be held to be invalid, other parts or provisions thereof which are not affected shall continue to be in full force and effect.


**SECTION 4. *Effectivity*** – This Ordinance shall take effect immediately upon approval.

**UNANIMOUSLY ENACTED BY THE CITY COUNCIL of MARIKINA**, this 14<sup>th</sup> day of August, 2019.

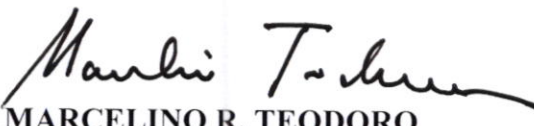
**I HEREBY CERTIFY** to the correctness of the foregoing Ordinance which was duly enacted by the *Sangguniang Panlungsod* during its 7<sup>th</sup> Regular Session held at the City Council Session Hall on August 14, 2019.

  
**NORALYN R. TINGCUNGO**  
City Council Secretary

**ATTESTED AND CERTIFIED  
TO BE DULY ENACTED:**

  
**MARION S. ANDRES, M.D.**  
City Vice Mayor/Presiding Officer

**APPROVED** by the HON. CITY MAYOR on **AUG 15 2019**

  
**MARCELINO R. TEODORO**  
City Mayor