



COMMITTEE ON HOUSING, LAND UTILIZATION
AND URBAN DEVELOPMENT

COMMITTEE HEARING REPORT
NO. HLUUD 091 S-2024

Office of the Sangguniang Panlungsod
Received by: SEP 2024
Date: 19
Time: 12:00

Subject: **AN ORDINANCE REGULATING THE CONSTRUCTION OF PRIVATE GARAGES, CARPORTS, SHEDS AND AGRICULTURAL BUILDINGS, AND OTHER TEMPORARY STRUCTURES MADE OF LIGHT MATERIALS IN THE CITY OF BACOOR, CAVITE AND PROVIDING PENALTIES FOR VIOLATIONS HEREOF. (PCO 2024-200 dated 05 August 2024)**

This report hereby resolves the necessity of regulating the construction of private garages, carports, sheds, and agricultural buildings, and other temporary structures made of light materials, dated 19 August 2024. The proposed ordinance was referred to the committee by the Sangguniang Panlungsod Presiding Officer, Hon. Rowena Bautista-Mendiola, during the 102nd regular session held on 05 August 2024.

The City of Bacoor is experiencing significant urban development, resulting in a proliferation of ancillary structures such as garages, carports, sheds, and agricultural buildings on private properties. Many of these structures are being constructed without the required permits, using light or recycled materials, and without consideration for public safety or aesthetic impact.

In accordance with Section 1.01.05 of Presidential Decree No. 1069 (the National Building Code), all structures, including ancillary facilities, must conform to safe construction principles and should not degrade the community's aesthetic or contribute to urban blight.

FINDINGS:

During the committee hearing on 16 August 2024, discussions centered around the legal implications of the proposed ordinance. The committee along with the resource persons based their reference to relevant Supreme Court rulings, including the case of 1) **Fernando v. St. Scholastica's College (G.R. No.161107, 12 March 2013) per J. Mendoza, EN BANC**, citing the case of **People v. Fajardo (G.R. No. L-12172, 29 August 1958)**, where the **City of Marikina** attempted to regulate the fences of the private properties. St. Scholastica Manila, a large property owner, filed a complaint. **The Supreme Court ruled that the City of Marikina could not regulate based on aesthetic purposes, such as the type of painting or style, as these are matters of personal choice.** However, in a 2) 2018 case in Davao City involving billboards and signage (**Supreme Court case of Evasco Jr. v. Montanez (G.R. No. 199172, 21 February 2018) per J. Leonardo-De Casto, the First**





Division, and the Supreme Court allowed regulation when it involved public safety, particularly when the natural landscape was affected. Given the conflicting decisions and considering that one was EN BANC, the committee members and the resource persons agreed upon focusing the said ordinance more on "public safety rather than aesthetics."

Further discussions revealed significant enforcement challenges related to the National Building Code, particularly in enforcing setbacks and ensuring the safety of existing structures. Issues such as improper fencing and land use, which could lead to disputes and safety risks during severe weather, were also highlighted.

RECOMMENDATIONS:

After careful consideration, the committee recommends **APPROVAL** of the proposed ordinance, subject to the following revision:

- The ordinance should prioritize public safety by ensuring that temporary structures do not obstruct public spaces or pose risks due to substandard materials.
- To mitigate legal risks, any references to aesthetic considerations should be omitted from the ordinance.
- The ordinance should enforce stricter regulations on property fencing to prevent land disputes and ensure safety. The use of materials that do not obstruct visibility, such as steel matting, is recommended.
- It is necessary to develop a detailed IRR that guides the enforcement of the ordinance, including clear processes for permit issuance, publication, and compliance checks.

WE HEREBY CERTIFY that the contents of the foregoing report are true and correct.

Signed this 19th day of August 2024 at the City of Bacoor, Cavite.

Committee on Housing, Land Utilization and Urban Development

COUN. ALDE JOSELITO F. PAGULAYAN
Chairman





Republic of the Philippines
Province of Cavite
CITY OF BACOOR
OFFICE OF THE SANGGUNIANG PANLUNGSOD



CGBCR-SPBac-F01.01
05/30/2024

Seal of
Good
Local
Governance
2023 Awardee
7 years in a row!



COUN. ADRIELITO G. GAWARAN
Vice Chairman



COUN. SIMPLICIO G. DOMINGUEZ
Member



COUN. ALEJANDRO F. GUTIERREZ
Member





**COMMITTEE ON HOUSING, LAND UTILIZATION
AND URBAN DEVELOPMENT**

COMMITTEE HEARING MINUTES
NO. HLUUD 091 S-2024

Office of the Sangguniang Panlungsod
Received by: *[Signature]*
Date: 10 SEP 2024
Time: 2:12 pm

Subject: **AN ORDINANCE REGULATING THE CONSTRUCTION OF PRIVATE GARAGES, CARPORTS, SHEDS AND AGRICULTURAL BUILDINGS, AND OTHER TEMPORARY STRUCTURES MADE OF LIGHT MATERIALS IN THE CITY OF BACOOR, CAVITE AND PROVIDING PENALTIES FOR VIOLATIONS HEREOF. (PCO 2024-200 dated 05 August 2024)**

Committee Hearing Minutes Summary

16 August 2024 / 10:30 a.m.

Present:

HON. ALDE JOSELITO F. PAGULAYAN	-	Chairperson
HON. ADRIELITO G. GAWARAN	-	Vice Chairperson
HON. SIMPLICIO G. DOMINGUEZ	-	Member
HON. ALEJANDRO F. GUTIERREZ	-	Member

Also Present:

ENGR. JICKY D. JUTBA	-	Office of the City Engineer / Office of the City Building Official
ENGR. ARTHUR S. SAN JOSE	-	Zoning Department
ENGR. ALLAN C. QUINATADCAN	-	City Assessors Office
ATTY. NATHANIEL DE LEON	-	City Legal Services

The committee hearing was called to order by Hon. Pagulayan, Chairperson of the Committee on Housing, Land Utilization, and Urban Development. He introduced the agenda item, PCO 2024-200, concerning an ordinance regulating the construction of private garages, carports, sheds, agricultural buildings, and other temporary structures made of light materials within the City of Bacoor, Cavite, and establishing penalties for violations thereof.





Hon. Pagulayan recognized the presence of the committee members and resource persons, including Atty. De Leon from the Office of the City Legal Services, who was subsequently acknowledged.

Atty. De Leon initiated the discussion by outlining the purpose of the proposed ordinance. He emphasized that while both city and national governments have the authority to regulate structures under the National Building Code (NBC), imposing regulations on aesthetic aspects—such as external appearances—could face legal challenges. Atty. De Leon referenced pertinent Supreme Court rulings, including:

- *Fernando v. St. Scholastica's College* (G.R. No. 161107, 12 March 2013) per J. Mendoza, EN BANC, where the Supreme Court, citing *People v. Fajardo* (G.R. No. L-12172, 29 August 1958), ruled that a local government (City of Marikina) could not regulate aesthetic elements like painting or style, as these are considered personal choices.
- *Evasco Jr. v. Montanez* (G.R. No. 199172, 21 February 2018) per J. Leonardo De Castro, where the Supreme Court allowed regulation when public safety was at stake, particularly concerning the impact on natural landscapes (Davao City).

Given the conflicting jurisprudence, Atty. De Leon advised that the ordinance should prioritize "public safety" rather than aesthetics to align with legal precedents.

Hon. Pagulayan concurred with the legal advice and instructed the committee to avoid the term "aesthetic" in the ordinance.

Engr. Jutba endorsed the legal opinion, stressing the importance of ensuring proper setbacks and compliance with the NBC, especially in commercial areas where recent constructions have raised safety concerns. He further emphasized the necessity of regulating the materials used in structures to safeguard public welfare.

Engr. Quinatadcan and Engr. San Jose expressed their support for the ordinance, underscoring the need to enforce regulations that ensure public safety and adherence to the NBC. Atty. De Leon further clarified that restrictions annotated on property titles must be considered in the ordinance to prevent conflicts with existing deeds of restriction within subdivisions.

Engr. San Jose raised an additional concern regarding developers who fence off lots that do not belong to them, leading to land disputes and hindering the enforcement of building regulations. Atty. De Leon recommended that the ordinance include provisions for stricter fencing regulations to prevent such issues.

Hon. Pagulayan emphasized that the ordinance focus should be on public safety and compliance with existing laws and regulations. He suggested that the concerns raised would be addressed in the Implementing Rules and Regulations (IRR) of the ordinance.





Hon. Gawaran and Hon. Gutierrez expressed their full support for the proposed ordinance. Hon. Gawaran added that the IRR should include clear guidelines regarding property titles and require neighbor consent prior to approval of any construction.

Engr. Jutba raised a safety issue regarding the use of iron roofing (bubong) for fencing, proposing that steel matting be used instead to mitigate hazards during typhoons.

Hon. Pagulayan acknowledged these points and reiterated that the draft ordinance would be revised to remove references to "aesthetics" and to concentrate on safety and legal compliance. The committee agreed to endorse the ordinance for plenary consideration on Monday (19 August 2024), contingent upon the removal of the term "aesthetic" and the finalization of the IRR. The hearing was then adjourned following a motion duly seconded by Hon. Dominguez.

Prepared By:



PETER ADRIAN F. BORJA
Local Legislative Staff I

Attested By:



COUN. ALDE JOSELITO F. PAGULAYAN
Chairman
Committee on Housing, Land Utilization
and Urban Development





Office of the Sangguniang Panlungsod
Received by: *Jenot Pying*
Date: _____

**COMMITTEE ON HOUSING, LAND UTILIZATION
AND URBAN DEVELOPMENT**



PHOTOS OF THE COMMITTEE HEARING NO. HLUUD 091 S-2024
PCO 2024-200 REGULATING THE CONSTRUCTION OF TEMPORARY STRUCTURES





Office of the Sangguniang Panlungsod
Received by: Janet Balon
Date: 10 SEP 2024

**COMMITTEE ON HOUSING, LAND UTILIZATION
AND URBAN DEVELOPMENT**



PHOTOS OF THE COMMITTEE HEARING NO. HLUUD 091 S-2024
PCO 2024-200 REGULATING THE CONSTRUCTION OF TEMPORARY STRUCTURES





Republic of the Philippines
Province of Cavite
CITY OF BACOR
Office of the City Mayor



July 30, 2024

ATTY. KHALID A. ATEGA, JR.
SP Secretary
Bacoor, Cavite

Subject: Endorsement Letter

Dear Sir:

This is to endorse to your good office Endorsement Letter No. 873, Series of 2024, issued by the Office of the City Legal Service, relative to its comments and suggestions on the proposed City Ordinance – Sheds, Garages, Carports and other Ancillary Buildings Regulation Ordinance of Bacoor, for your appropriate action.

Attached herewith is the aforementioned endorsement, including its attachments, for your immediate reference.

I trust that you give this matter your utmost attention.

Sincerely yours!

HON. ROWENA BAUTISTA-MENDIOLA
Acting City Mayor



Page 1 of 1

**STRIKE
AS**

Address: Bacoor Government Center, Bacoor Blvd.,
Brgy. Bayanan, City of Bacoor, Cavite
Trunkline: 434-1111
Website: www.bacoor.gov.ph



Cert no. 24 181809



Republic of the Philippines
Province of Cavite
CITY OF BACOOR



CGBCR-OCLG-02-F01.02
01/30/2024

OFFICE OF THE CITY LEGAL SERVICE

ENDORSEMENT LETTER No. 873 Series of 2024

TO : HON. STRIKE B. REVILLA
City Mayor

THRU : ATTY. PAUL MICHAEL SANGALANG
Executive Assistant IV

SUBJECT : PROPOSED CITY ORDINANCE – SHEDS, GARAGES,
CARPORTS AND OTHER ANCILLARY BUILDINGS
REGULATION ORDINANCE OF BACOOR.

DATE : 26 JULY 2024

Paul Sangalang 4:56 PM
7/26/24

The Office of the City Mayor transmitted the above-mentioned proposed city ordinance for the review of this Office. The following are humbly submitted to be considered in the drafting of the same.

There are two schools of thought on the validity of a local ordinance regulating the use of private property in relation to aesthetic purposes.

First, is in the negative. In the case of *Fernando v. St. Scholastica's College* (G.R. No. 161107, 12 March 2013) per *J. Mendoza, EN BANC* citing the case of *People v. Fajardo* (G.R. No. L-12172, 29 August 1958) ruled that it has been long settled that the State may not, under the guise of police power, permanently divest owners of the beneficial use of their property solely to preserve or enhance the aesthetic appearance of the community.

In that case, the Supreme Court struck down an ordinance passed by the Marikina LGU regarding the regulation of fences, walls, and gates predicated on the reason that the high fences were unsightly.

Second, is in the positive. In the case of *Evasco Jr. v. Montanez* (G.R. No. 199172, 21 February 2018) per *J. Leonardo-De Castro, the First Division* upheld the validity of the ordinance passed by the Davao City Council which regulated the construction, installation, and maintenance of outdoor advertising materials.

The Supreme Court recognized the local legislative authority has wide discretion to determine not only what the interests of the public require but also what measures are necessary for the protection of such interests and that the local Sanggunian is in the best position to determine the needs of its constituents.



Address: Bacoor Government Center, Bacoor Blvd.,
Brgy. Bayanan, City of Bacoor, Cavite
Trunking: 434-1111
Website: www.bacoor.gov.ph



Cert No 24-181709



Republic of the Philippines
Province of Cavite
CITY OF BACOOR



CGBCR-DCL5-02-F01-07
05/30/2024
Seal of
Good
Local
Governance
2023 Awardee
7 years in a row!

OFFICE OF THE CITY LEGAL SERVICE

It is humbly submitted that the City Government should take the more prudent approach and err on the side of caution considering that the Fernando case is decided by the Supreme Court sitting EN BANC while the Evasco case is decided by the First Division.

No less than **Section 4 (3) of the 1987 Constitution** provides for the rule that no doctrine or principle of law laid down by the Supreme Court EN BANC or in a division may be modified or reversed **except** by the court sitting en banc.

Thus, it is recommended that the portion of the fourth clause of the proposed city ordinance pertaining to the "aesthetic value" be deleted. Also, for Section 6 be reworded as follows:

"Section 6. Public Safety No shed, garage, carport, agricultural building, and other ancillary buildings shall be constructed within the City of Bacoor without compliance with the National Building Code, and the rules and regulations implementing this Ordinance. Any of the said structures that are manifestly a danger to the public upon recommendation of the Office of the Building Official and the City Health Office shall not be allowed and may be subject to demolition thereof upon the order of the City Mayor subject to laws, ordinances, and rules and regulations related to nuisances."

Finally, it is recommended that the offender or violator of the proposed city ordinance be determined with particularity. Hence Section 9 is recommended to be revised as follows:

"Section 9. Penalties.

(a) Any City Government employee who violated/violates this Ordinance and/or its IRR shall be preventively suspended for a period not exceeding six months upon the order of the City Mayor prior to the start of any investigation with regard to the said offense in accordance with pertinent civil service regulations. If found guilty, the employment of the said City Government employee shall be terminated as may be provided by law. The filing of the said administrative action against the said employee shall not bar the institution of the appropriate criminal action/s against him/her by the City Government through the City Legal Officer.



**STRIKE
AS**

Address: Bacoor Government Center, Bacoor Blvd.,
Rgy. Bayanan, City of Bacoor, Cavite
Trunkline: 434-1111
Website: www.bacoor.gov.ph





Republic of the Philippines
Province of Cavite
CITY OF BACOOR



CGBCR-DCLS-02 F01.02
05/30/2024

OFFICE OF THE CITY LEGAL SERVICE

(b) Any natural person, who may either be the titled owner of the subject property, or the possessor of the same, or both not under the employment of the City Government who violates this Ordinance shall, upon conviction by a court of law, pay a fine of Php 5,000.00 and shall be imprisoned for a period not less than 30 calendar days but not exceeding 90 calendar days for his or her unjust refusal to comply with any order of the City Mayor with regard the said violation.

(c) Any juridical person, who may either be the titled owner of the subject property, the possessor of the same, or both who shall violate this Ordinance shall, upon conviction by a court of law, be required to pay a fine of Php 5,000.00 for its unjust refusal to comply with any order issued by the City Mayor with regard the said violation.

Thank you.

RESPECTFULLY,

ATTY. NATHANIEL C. DE LEON
Office of the City Legal Service

REVIEWED AND APPROVED BY:


ATTY. KIM NYCA R. LOFRANCO
City Legal Officer



Address: Bacoor Government Center, Bacoor Blvd.,
Rgy. Bayanan, City of Bacoor, Cavite
Trunkline: 434-1111
Website: www.bacoor.gov.ph





Republic of the Philippines
Province of Cavite
CITY OF BACOOR
OFFICE OF THE SANGGUNIANG PANLUNGSOD



CGBCR-SPBac-FOUR
05/30/2024

Seal of
Good
Local
Governance
2023 Awardee
Transparency

11 June 2024

HON. STRIKE B. REVILLA
City Mayor
City Government of Bacoor
City of Bacoor, Cavite

Dear Sir:

I am hereby respectfully submitting to your good office a copy of Proposed City Ordinance entitled: **"AN ORDINANCE REGULATING THE CONSTRUCTION OF PRIVATE GARAGES, CARPORTS, SHEDS, AND AGRICULTURAL BUILDINGS, AND OTHER TEMPORARY STRUCTURES MADE OF LIGHT MATERIALS IN THE CITY OF BACOOR, CAVITE AND PROVIDING PENALTIES FOR VIOLATIONS HEREOF"**.

For your perusal and information.

Respectfully yours,

ATTY. KHALID A. ATEGA, JR.
Sangguniang Panlungsod Secretary



Address: Bacoor Legislative and Disaster Resilience Bldg.,
Bacoor Blvd., Brgy. Bayanun, City of Bacoor, Cavite
Trunkline: 046/417-0727



0273

PROPOSED CITY ORDINANCE NO. __
Series of 2024

AN ORDINANCE REGULATING THE CONSTRUCTION OF PRIVATE GARAGES, CARPORTS, SHEDS, AND AGRICULTURAL BUILDINGS, AND OTHER TEMPORARY STRUCTURES MADE OF LIGHT MATERIALS IN THE CITY OF BACCOOR, CAVITE AND PROVIDING PENALTIES FOR VIOLATIONS HEREOF.

Suggested by:

Hon. Strike B. Revilla
(City Mayor)

Sponsored by:

WHEREAS, Section 1.01.05 of Presidential Decree No. 1069 (the National Building Code) provides that "any building or structure, or any ancillary or accessory facility thereto, and any alteration or addition to any building or structure already existing, shall conform in all respects to the principles of safe construction, shall be suited to the purpose for which the building is designed, and shall, in no case contribute to making the community in which it is located an eyesore, a shum, or a blighted area."

WHEREAS, the continuous rapid growth of the City of Bacoor, Cavite has led to a construction boom in various areas of the city that has led to drastic changes to its skyline.

WHEREAS, aside from houses and commercial buildings, private property owners are constructing various ancillary or accessory structures such as carports, garages, sheds, and agricultural buildings such as pet cages without the requisite building permits on the pretext that there is no law regulating the erection of the same.

WHEREAS, many of the said structures are being constructed with the use of light, recycled materials without any regard for their aesthetic value or to their impact to public safety.

WHEREAS, there is a need for the approval of an ordinance that will clearly set guidelines and procedures regulating the construction of ancillary or accessory structures such as carports, garages, sheds, and agricultural buildings such as pet cages.

NOW THEREFORE, upon motion of Hon. _____ duly seconded by Hon. _____, be it ordained by the 5th Sangguniang Panlungsod of the City of Bacoor, Cavite THAT:

Section 1. Title. This Ordinance shall be known as the "Sheds, Garages, Carports and Other Ancillary Buildings Regulation Ordinance of Bacoor".

Section 2. Scope. This Ordinance shall apply to the construction of all sheds, garages, carports, agricultural buildings and other ancillary buildings in the City of Bacoor, Cavite.

Section 3. Definition of Terms. As used in this Ordinance, the following terms shall be defined as: (to be supplied by the City Engineering Office)

Section 4. Prohibited Acts. The construction sheds, garages, carports, agricultural buildings and other ancillary buildings in the City of Bacoor, Cavite without complying with the various provisions of this Ordinance and its implementing rules and regulations (IRR) shall be deemed as violations hereof.

Section 5. General Provisions. The following general provisions shall apply to the construction of all sheds, garages, carports, agricultural buildings and other ancillary buildings in the City of Bacoor, Cavite:

1. All new sheds, garages, carports, agricultural buildings and other ancillary buildings shall first require a review and approval by the Office of the Building Official (OBO) prior to its construction. A temporary building permit shall be issued by the OBO before the same can be constructed or installed.
2. No temporary building permit in relation to the construction of sheds, garages, carports, agricultural buildings and other ancillary buildings shall be issued by the OBO without the submission by the applicant, contractor, or real property owner of the various requirements to be enumerated in the IRR of this Ordinance.
3. All temporary building permits issued by the OBO in violation of this Ordinance or its IRR shall be revoked by the City Mayor. The OBO personnel who signed the said permit shall be subjected to the appropriate administrative and criminal action as mandated by this Ordinance and by all applicable laws and government regulations.
4. All sheds, garages, carports, agricultural buildings and other ancillary buildings that were constructed in violation of this Ordinance shall be demolished upon the written order of the City Mayor after compliance by the City Government officials concerned with the requirements of due process of law.

Section 6. Aesthetic Impact and Public Safety. No shed, garage, carport, agricultural building and other ancillary buildings shall be constructed within the City of Bacoor without taking into consideration its impact on the aesthetic value of surrounding areas. Any of the said structures that were constructed in a way that will make the community or immediate surroundings where it will be erected into an eyesore, a blighted area, or a slum or that will in any way endanger public safety shall not be allowed by the OBO and shall be used as a ground for the demolition thereof upon the order of the City Mayor.

Section 7. Standards for design and construction. The City Engineer and the City Building Official shall, within sixty (60) working days from the date of effectivity hereof, submit to the City Mayor their joint recommendations on the standards for the design and construction of sheds, garages, carports, agricultural buildings and other ancillary buildings covered by this Ordinance to be constructed and/or installed in the City of Bacoor, Cavite.

Section 8. Exemptions. Sheds, garages, carports, agricultural buildings and other ancillary buildings constructed by the City Government during public emergencies that are temporary in nature as certified and approved by the City Engineer and by the City Mayor are exempt from provisions of this Ordinance.

Section 9. Penalties. Any City Government employee who violated/violates this Ordinance and/or its IRR shall be preventively suspended for a period not exceeding six months upon the order of the City Mayor prior to the start of any investigation with regard the said offense in accordance with pertinent civil service regulations. If found guilty, the employment of the said City Government employee shall be terminated as may be provided by law. The filing

of the said administrative action against the said employee shall not bar the institution of the appropriate criminal action/s against him/her by the City Government through the City Legal Officer.

Any natural person not under the employment of the City Government who violates this Ordinance shall, upon conviction by a court of law, pay a fine of Php 5,000.00 and shall be imprisoned for a period not less than 30 calendar days but not exceeding 90 calendar days.

Any juridical person who shall violate this Ordinance shall, upon conviction by a court of law, be required to pay a fine of Php 5,000.00 for every day that the said corporation or partnership refused to comply with any order issued by the City Mayor with regard the said violation.

Section 10. Implementing Rules and Regulations. The City Legal Officer, in coordination with the City Engineer, City Building Officer, and the City Assessor shall, within sixty working days following the date of effectivity of this Ordinance, submit the IRR hereof for the review and approval of the City Mayor.

Section 11. Repeal. All ordinances, resolutions, or executive orders in conflict or inconsistent with the provisions of this ordinance are hereby repealed or modified accordingly.

Section 12. Separability. Provisions of this ordinance not affected by a decision issued by a court of competent jurisdiction declaring a provision of this ordinance unconstitutional or void shall remain valid and enforceable.

Section 13. Automatic Review. This Ordinance shall be automatically reviewed by the Sangguniang Panlungsod once every two years following its date of effectivity.

Section 14. Effectivity Date. This Ordinance shall become effective immediately after it has been published at least once in a newspaper of general circulation within the Province of Cavite and after copies hereof has been posted in at least three conspicuous places within the City of Bacoor, Cavite.

APPROVED this day of June 2024 at the City of Bacoor, Cavite.

I hereby certify that the foregoing Ordinance was duly approved in accordance with law by the 5th Sangguniang Panlungsod of the City of Bacoor, Cavite.

Certified by:

HON. ROWENA BAUTISTA-MENDIOLA
City Vice Mayor/Presiding Officer

Attested by:

ATTY. KHALID A. ATEGA JR.
Sangguniang Panlungsod Secretary

Approved by:

HON. STRIKE B. REVILLA
City Mayor

Date of Approval:

_____ 2024

DRAFT