



Republic of the Philippines
Province of Cavite
CITY OF BACOR

Office of the Sangguniang Panlungsod



DISTRICT I

HON. CATHERINE SARINO-EVARISTO
City Councilor

HON. MICHAEL E. SOLIS
City Councilor

HON. ADRIELITO G. GAWARAN
City Councilor

HON. VICTORIO I. GUERRERO, JR.
City Councilor

HON. ALEJANDRO F. GUTIERREZ
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HON. LEVY M. TELA
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HON. SIMPLICIO G. DOMINGUEZ
City Councilor

HON. RANDY C. FRANCISCO
Liga ng mga Barangay Vice-President

HON. PALM ANGEL S. BUNCIO
SK Federation President

Attested by:
ATTY. KHALID A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Certified by:
HON. ROWENA BAUTISTA-MENDIOLA
City Vice Mayor

Approved by:
HON. STRIKE B. REVILLA
City Mayor

CITY ORDINANCE NO. 391-2024
Series of 2024

AN ORDINANCE REQUIRING THE ISSUANCE OF A TEMPORARY FENCING PERMIT FOR ALL TYPES OF FENCES OR RETAINING WALLS USING LIGHT, IMPROVISED, OR RECYCLED MATERIALS, PROVIDING PROCEDURES FOR THE APPLICATION AND ISSUANCE OF THE SAID PERMIT AND PROVIDING PENALTIES FOR VIOLATIONS HEREOF.

Sponsored by:

Hon. Alde Joselito F. Pagulayan and Hon. Reynaldo D. Palabrica,

Co-Sponsored by:

Hon. Roberto L. Advincula, Hon. Palm Angel S. Buncio, Hon. Simplicio G. Dominguez, Hon. Catherine Sarino-Evaristo, Hon. Adrielito G. Gawaran, Hon. Reynaldo M. Fabian, Hon. Randy C. Francisco, Hon. Rogelio M. Nolasco, Hon. Michael E. Solis, and Hon. Levy M. Tela, Hon. Alejandro F. Gutierrez

WHEREAS, Section 1106 of Presidential Decree No. 1069 (the National Building Code) provides that "fences shall be built of an approved material, not less than 2.40 meters in height above grade, and be placed on the side of the walkway nearest to the building site. Fences shall enclose entirely the building site. Openings in such fences shall be provided with doors which shall be kept closed at all times."

WHEREAS, the nature of materials to be used in the construction of the said fences was not specified in the said law.

WHEREAS, due to the ambiguity of Section 1106 of PD 1069, there has been a surge in the number of property owners in the City of Bacoor who have refused to apply for a fencing permit on the pretext that the fence they are constructing are only "temporary" in nature as they are using light, improvised, or recycled materials for the construction thereof and are, thus, not covered by the said law.

WHEREAS, the said interpretation of the afore-quoted provision of law is wrong and dangerous and may potentially endanger pedestrians who might get injured in case the said "temporary fences" collapse during storms, earthquakes, and other fortuitous events.



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City Vice Mayor

Approved by:
HON. STRIKE B. REVILLA
City Mayor

WHEREAS, there is a need for the approval of an ordinance that will clearly set guidelines and procedures on how to apply for permits for fences that are considered "temporary" in nature.

NOW THEREFORE, upon motion of Hon.Reynaldo D. Palabrica and Hon. Alde Joselito F. Pagulayan duly approved by the 5th Sangguniang Panlungsod of the City of Bacoor, Cavite in regular session duly assembled, be it **ORDAINED** that:

Section 1. Title. This Ordinance shall be known as the "**Temporary Fences, Retaining Walls, and Screening Ordinance of Bacoor**".

Section 2. Scope. This Ordinance shall apply to all temporary fences, retaining walls, and screenings to be constructed in the City of Bacoor, Cavite.

Section 3. Definition of Terms. As used in this Ordinance, the following terms shall be defined as:

1. **Retaining Walls** – relatively rigid walls intended to hold a mass of earth in place and to prevent the lateral movement of soil.
2. **Temporary Fences** — are structures made of concrete, wood, metal, or light, recycled, or improvised materials constructed to delineate the boundaries of adjacent lots, to maintain security within the lot surrounded by the wall, or to keep trespassers out.
3. **Screenings** – are temporary structures erected by construction contractors using materials such as wood, plastic tarpaulin, vegetation, and the like designed to prevent construction debris from littering public roads or adjacent lots, avoid inflicting injuries on passersby, prevent trespassers from entering the construction site, or to protect the structure being erected from damage or from being seen while it is still unfinished.

Section 4. Prohibited Acts. The construction and/or installation of any temporary fence, retaining wall, or screening 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.



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City Mayor

Section 5. General Provisions. The following general provisions shall apply to all fences, walls, and screenings to be constructed and/or installed in the City of Bacoor, Cavite:

1. All new fences, walls, retaining walls, and any screening, including landscaped screening, shall first require a review and approval by the Office of the Building Official (OBO) prior to its installation and/or construction. A temporary fencing, retaining wall, or screening permit shall be issued by the OBO before the same can be constructed or installed.
2. No temporary fencing, retaining wall, or screening permit shall be issued by the OBO without the submission by the applicant, contractor, or real property owner of the various requirements for its release to be enumerated in the IRR of this Ordinance.
3. All temporary fencing, retaining wall, or screening permit 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 in violation of this provision 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 temporary fences, retaining walls, or screenings that were constructed or installed 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. Prohibited Materials. The following materials shall not be used in the construction of temporary fences, retaining walls, or screenings:

- 6.1. Electrified fencing or screening materials
- 6.2. Corroded fencing or screening materials
- 6.3. Termite infested or damaged fencing, walling, or screening materials.



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6.4. Any material similar or analogous to the ones mentioned above as may be determined by the City Mayor upon the advise of the City Engineer.

Section 7. Standards for location, height, and setbacks. 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 location, height, and setbacks of all temporary fences, retaining walls, and screenings to be constructed and/or installed in the City of Bacoor, Cavite.

Section 8. Exemptions. The following fence, wall, and screen types are exempt from provisions of this Ordinance:

8.1. Sound attenuation walls as required and approved by the City Engineer and by the City Mayor;

8.2. Fences, retaining walls, or screenings installed by the City Government inside of or on the perimeter of a public park;

8.3. Fences installed by a public or private school inside of or on the property boundary of the school grounds;

8.4. Fences or screenings around public sports fields and facilities;

8.5. Fences legally constructed with the requisite fencing permit issued by the OBO prior to the adoption of this Ordinance.

Section 9. Penalties. Any City Government employee who 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 of legal age 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



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City Vice Mayor

Approved by:
[Signature]

HON. STRIKE B. REVILLA
City Mayor

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 13th day of August 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:

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



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Sangguniang Panlungsod Secretary

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HON. STRIKE B. REVILLA
City Mayor

Date of Approval: 22 AUG 2024