



Republic of the Philippines  
**CITY COUNCIL**  
Quezon City  
15<sup>th</sup> City Council

PR2003-190

72nd Regular Session

RESOLUTION NO. SP-**2126**, S-2003

A RESOLUTION DIRECTING THE CITY BUILDING OFFICIAL OF QUEZON CITY TO ISSUE THE NECESSARY FENCING PERMIT TO THE DAMAR VILLAGE HOMEOWNERS ASSOCIATION, BARANGAY DAMAR, QUEZON CITY, FOR THE IMPROVEMENT OR RECONSTRUCTION OF THE PERIMETER WALL/FENCE EXISTING PRIOR TO THE TURNOVER OF THE ROAD LOTS OF SAID SUBDIVISION TO THE QUEZON CITY GOVERNMENT.

Introduced by Councilors VINCENT P. CRISOLOGO, VICTOR V. FERRER, JR., BERNADETTE HERRERA-DY, FRANZ S. PUMAREN, JULIAN M.L. COSETENG and ELIZABETH A. DELARMENTE.

Co-Introduced by Councilors Rommel R. Abesamis, Voltaire Godofredo L. Liban III, Aiko Melendez, Ramon P. Medalla, Allan Butch T. Francisco, Eric Z. Medina, Mary Ann L. Susano, Jorge L. Banal, Wencerom Benedict C. Lagumbay, Diorella Maria Sotto-De Leon, Dante M. De Guzman, Jesus Manuel C. Suntay, Alma F. Montilla, Antonio E. Inton, Jr., Janet M. Malaya, Ricardo R. Del Rosario, Restituto B. Malañgen, Xyrus L. Lanot and Junie Marie L. Castelo.

WHEREAS, the City Council of Quezon City approved the subdivision plan of Damar Village through Resolution No. 6520, S-63 in 1963 which was subsequently approved by the Department of Justice through Land Registration Commission in June 1964;

WHEREAS, the developer of said subdivision constructed thereon a perimeter wall fence to secure the residents therein consistent with Article 430 of the Civil Code of the Philippines, which provides as follows:

“Art. 430. Every owner may enclose or fence his land or tenements by means of walls, ditches, live or dead hedges or by any other means without detriment to servitudes constituted thereon.”;

WHEREAS, from then on, the homeowners in said subdivision maintained the said perimeter wall/fence, which were improved every now and then, to ensure the residents' security, peace and order condition within the village;

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WHEREAS, the Barangay Council of Barangay Damar and the Damar Village Homeowners Association both passed a resolution requesting the City Council for the enactment of an ordinance affirming the construction of the perimeter wall fence around Barangay Damar (Damar Village) as indicated in the approved subdivision plan, with entrance and exit roads only at its south side facing Sgt. Rivera St. formerly Tagaytay Road;

WHEREAS, to maintain the tranquility in said community, the residents therein maintained only one access road in and out of the village, that is Dorado St., going towards Sgt. Rivera St. formerly known as Tagaytay Road;

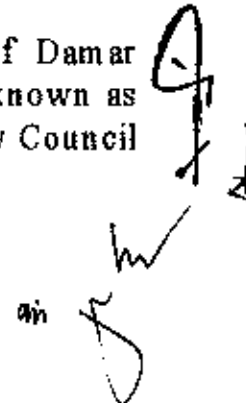
WHEREAS, the fence has been there for more than thirty (30) years and the requirements for the issuance of a fencing permit like the original title of said subdivision cannot be produced by the in charge, City government as verbally admitted by the General Services Office (G.S.O.) and Office of the Subdivision who is in charge of the titles of all roads and playgrounds of all subdivisions turnover to the City government;

WHEREAS, the granting of said fencing permit is tantamount to giving consent to the improvement or construction of said perimeter wall fence and at the same time regulating the use of the affected road lots, now owned by the City, which is within the power of the sangguniang panlungsod as provided for in the Local Government Code of 1991, Section 458 "(3) Subject to the provisions of Book II of this Code, enact ordinances granting franchises and authorizing the issuance of permits or licenses, upon such conditions and for such purposes intended to promote the general welfare of the inhabitants of the City. (5) (v) Regulating the use of streets, avenues, alleys, sidewalks, bridges, parks and other public places and approve the construction, improvement, repair and maintenance of the same".

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF QUEZON CITY IN SESSION ASSEMBLED, to direct, as it does hereby direct, the City Building Official of Quezon City to issue the necessary Fencing Permit to the Damar Village Homeowners Association, Barangay Damar, Quezon City, for the improvement or reconstruction of the perimeter wall/fence existing prior to the turnover of the road lots of said subdivision to the Quezon City government.

RESOLVED, FURTHER, that the access road in and out of Damar Village, that is Dorado St., exiting towards Sgt. Rivera St. formerly known as Tagaytay Road as shown in the approved subdivision plan by the City Council in 1963, is herein affirmed.

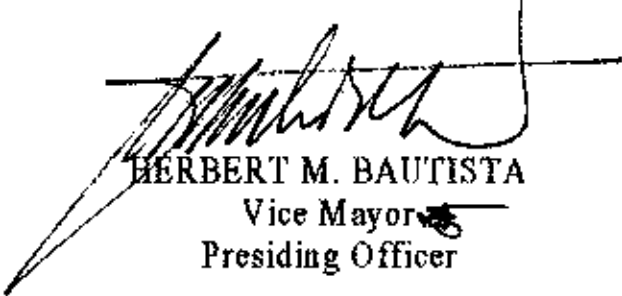


RESOLVED, FURTHERMORE, that no other access road in and out of the subdivision shall be opened without the written permission from the Barangay Officials and the Damar Village Homeowners Association concurred in by the City Council in order to maintain and preserve the peace and order condition within the subdivision.


RESOLVED, FURTHER, that the Fencing Permit of said subdivision be immediately issued by the City Building Official without the necessary requirements since the fence has been there for thirty (30) years and the original title of the subdivision and streets and playground turned over to the City government cannot be located by the General Services Office (GSO) or the office in charge of the subdivisions, who is the caretaker of all titles owned by the City government which is the requirement for the issuance of a Fencing Permit.

RESOLVED, FINALLY, to furnish the City Engineer, concurrently the City Building Official, a copy of this Resolution for his immediate and appropriate action.

ADOPTED: August 5, 2003.

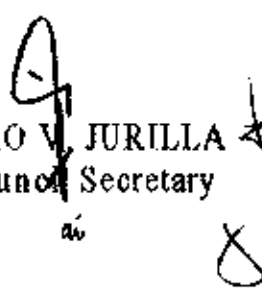
  
HERBERT M. BAUTISTA  
Vice Mayor  
Presiding Officer

ATTESTED:

  
EUGENIO V. JURILLA  
City Council Secretary

CERTIFICATION

*This is to certify that this Resolution which was APPROVED on Second Reading on August 5, 2003, was CONFIRMED by the City Council on August 12, 2003.*

  
EUGENIO V. JURILLA  
City Council Secretary