



Republic of the Philippines  
Province of Aklan  
MUNICIPALITY OF MALAY



*Office of the Sangguniang Bayan*

**EXCERPT FROM THE MINUTES OF THE 14<sup>TH</sup> REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MALAY, AKLAN (2010-2013) HELD AT THE SB SESSION HALL ON APRIL 12, 2011.**

Present:

- SB Member Esel L. Flores, Presiding Officer Pro-Tempore
- SB Member Wilbec M. Gelito
- SB Member Jonathan C. Cabrera
- SB Member Rowen T. Aguirre
- SB Member Jupiter Aelred G. Gallenero
- SB Member Natalie C. Paderes
- SB Member Dante C. Pagsuguiron
- SB Member Paterno S. Sacapaño Jr.
- SB Member Ric P. Calvario, Liga President

Absent:

- Hon. Ceciron S. Cawaling, Municipal Vice Mayor
- SB Member Cristina R. Daguno, SK Federation President

X

X

X

**MUNICIPAL ORDINANCE NO. 297**  
Series of 2011

**AN ORDINANCE AMENDING MUNICIPAL ORDINANCE No. 188, Series of 2003 (AN ORDINANCE REQUIRING RESIDENTIAL AND COMMERCIAL BUILDINGS IN BORACAY TO CONNECT WITH THE EXISTING SEWERAGE SYSTEM) AND THE NECESSITY OF A WASTEWATER MANAGEMENT COMPLIANCE CERTIFICATE AS A PRE-REQUISITE FOR THE ISSUANCE OF A BUSINESS PERMIT.**

*(SPONSORS: HON. ROWEN T. AGUIRRE & HON. DANTE C. PAGSUGUIRON)*

**WHEREAS**, there is a continuous rise in the number of commercial and business establishments, as well as residential and institutional buildings and structures in the Island of Boracay;

**WHEREAS**, in light of the continued growth of said establishments and structures, there is a need to safeguard the environmental well-being of the Island of Boracay, especially its waterfronts, beaches and bodies of water, against the liquid and fluid effluents and discharges coming from the such establishments;

**WHEREAS**, there is a need to ensure that all such commercial and business establishments, and residential and institutional buildings and structures maintain their connection to any of the Island's sewer systems or retain a suitable septic tank sufficient to service their respective sewerage requirements;

**NOW, THEREFORE:**

**SECTION 1. SECTION 1 OF MUNICIPAL ORDINANCE No. 188 IS HEREBY AMENDED TO READ AS FOLLOWS:**

**"SECTION 1. - MANDATORY CONNECTION OF WATER WASTE DISCHARGE TO ANY SEWERAGE SYSTEM.** The following shall connect to the existing sewerage system maintained by the sewerage service provider in the Island of Boracay within Thirty (30) days from effectivity of this Ordinance:

- a. All commercial buildings, property line and/or facilities within Sixty-One (61) meters of any existing pipeline, including but not limited to resorts, hotels, bars and restaurants, lodging houses, dive shops and aqua sports operating within Boracay Island; and
- b. All residential and institutional buildings and/or structures within Sixty One (61) meters of any existing sewer pipeline, in accordance with the Plumbing Code of the Philippines.
- c. However, the following establishments should have a pre-treatment facility for high surfactants, organics and other harmful parameters before discharge to the sewerage system.
  1. Laundry shops and other related establishments using corrosive chemical substances unless provisions of Section 811 of the National Plumbing Code of the Philippines are complied with.
  2. Establishment with industrial wastes consisting of harmful chemical (i.e. hazardous, toxic and corrosive) discharges.
  3. Funeral parlors, wet markets, and slaughter houses where internal organs and blood may be discharged.

The pertinent sewerage provider shall ensure that the foregoing establishments properly maintain their connection to the system, and for this purpose, it shall conduct annual inspections of the said connections to confirm that:

- a) The sewage disposal system of each establishment is properly connected to the Island's sewer system;
- b) The sewage disposal system of each establishment has properly installed and uses grease traps; and
- c) The non-sewage (i.e. rainwater, swimming pool) disposal system of each establishment is properly connected to the Island's drainage system."

SECTION 2. **SECTION 2 OF MUNICIPAL ORDINANCE NO. 188 IS HEREBY REPEALED.** In its stead, a new Section 2 is hereby inserted, which shall read as follows:

"SECTION 2. - Mandatory Maintenance of a Septic Tank. The following establishments and buildings shall construct, maintain and retain a suitable septic tank sufficient to service their respective sewerage generation and discharge in accordance with the structural and sanitation standards set by pertinent ordinances, policies and regulations formulated by the Municipal Engineers Office and the Municipal Health Office:

- a) All commercial buildings, property line and/or facilities located more than Sixty-One (61) meters away from any existing pipeline, including but not limited to resorts, hotels, bars and restaurants, lodging houses, dive shops and aqua sports operating within Boracay Island; and
- b) All residential and institutional buildings and/or structures located more than Sixty-One (61) meters away from any existing sewer pipeline, in accordance with the Plumbing Code of the Philippines.

- c) In addition to the maintenance and retention of a suitable septic tank, the following establishment should likewise have a pre-treatment facility for high surfactants, organics and other harmful parameters;
1. Laundry shops and other related establishments using corrosive chemical substances unless provisions of Section 811 of the National Plumbing Code of the Philippines are complied with.
  2. Establishments with industrial wastes consisting of harmful chemical (i.e. hazardous, toxic and corrosive) discharges.
  3. Funeral parlors, wet markets and slaughter houses where internal organs and blood may be discharged.
- d) All commercial, residential and institutional buildings falling under this provision shall ensure that their respective septic tanks and sewage systems are in proper condition and regularly maintained. For this purpose, they shall avail themselves of the services of any sewer service provider at least once every calendar year to conduct an examination of their sewer systems to ensure that:
1. The building's sewerage system is properly connected to its septic tank;
  2. The septic tank is constructed in accordance with the regulations and specifications provided by law and is regularly maintained;
  3. Their non-sewage discharge is properly connected to its drainage system; and
  4. They avail themselves of desludging services every Ninety (90) days.

**SECTION 3. SECTION 3 IS HEREBY AMENDED TO READ AS FOLLOWS:**

**"SECTION 3. - NON-ISSUANCE/CANCELLATION OF BUSINESS PERMIT.** Failure of the owner or operator of any commercial or institutional establishment, building or structure to comply with Section 1 of this Ordinance shall be a ground for the denial of an application for a business permit or the revocation of one already issued. In addition, the owner/proprietor/ responsible officers of the erring establishment shall be imposed a fine of TWO THOUSAND FIVE HUNDRED PESOS (Php2,500.00) or an imprisonment of not less than One (1) day but in no case more than Six (6) months, at the discretion of the Court, without prejudice to other penalties and sanctions as maybe imposed by other laws, ordinances, rules and regulations.

Failure of the owner/occupant of a residential building/structure to comply with Section 1-A of this Ordinance shall be punishable by a Fine of TWO THOUSAND PESOS (Php2,500.00) or imprisonment of not less than One (1) day but in no case more than Six (6) months, at the discretion of the Court, without prejudice to other penalties and sanctions as maybe imposed by other laws, ordinances, rules and regulations.

To this end, the owners or operators of the commercial and/or institutional buildings covered by this Ordinance are required to present a Wastewater Management Compliance Certification ("WMCC") for the processing of their business permits. The WMCC shall be issued, for free, by the sewerage service provider in the Island which is authorized to conduct annual examinations of the premises of the affected establishments to determine if they have complied with all of the foregoing. Compliance with the foregoing requirements includes full and up to date payment of the appropriate sewer charges/tariffs to the sewerage service provider."

SECTION 4. **REPEALING CLAUSE.** Any ordinance, orders, rules and regulations or any part thereof which are inconsistent with this Ordinance are hereby repealed and modified accordingly.

SECTION 5. This Ordinance shall take effect immediately, after approval and its due publication.

**ENACTED.** MARCH 29, 2011.

**APPROVED.** APRIL 12, 2011.

**APPROVED: SP RESOLUTION NO. 2011-125, dtd. 6-8-11**


**PUBLISHED. HALA BIRADA NEWSWEEKLY, dtd. 7-6, 13 & 20, 2011**

**AMENDED BY MO # 307, S. 2012**

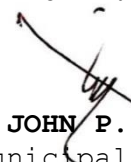
X X X  
-----

I HEREBY CERTIFY to the correctness of the afore-quoted Municipal Ordinance.

ATTESTED:

  
**CONCORDIA S. ALCANTARA**  
Secretary to the Sangguniang Bayan

  
**ESEL L. FLORES**  
SB Member  
Presiding Officer Pro-Tempore

APPROVED:  
  
**JOHN P. YAP**  
Municipal Mayor