



Republic of the Philippines
Province of Aklan
MUNICIPALITY OF MALAY



Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE 12TH REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MALAY, AKLAN (2010-2013) HELD AT THE SB SESSION HALL, POBLACION, MALAY, AKLAN ON MARCH 27, 2012.

Present:

- SB Member Rowen T. Aguirre, Acting Presiding Officer
- SB Member Natalie C. Paderes
- SB Member Dante C. Pagsuguiron
- SB Member Paterno S. Sacapaño Jr.
- SB Member Ric P. Calvario, Liga President
- SB Member Cristina R. Daguno, SK Federation President

Absent:

- Hon. Ceciron S. Cawaling, Municipal Vice Mayor (OB)
- SB Member Wilbec M. Gelito (OB)
- SB Member Member Jonathan C. Cabrera (OB)
- SB Member Esel L. Flores (OB)
- SB Member Jupiter Aelred G. Gallenero (OB)

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MUNICIPAL ORDINANCENO. 310

Series of 2012

AN ORDINANCE AMENDING MUNICIPAL ORDINANCE NO.141, SERIES OF 2001 (AN ORDINANCE BANNING THE EXTRACTION AND COLLECTION OF WHITE SANDSAND PEBBLES IN THE BEACHES OF BORACAY ISLAND) .

WHEREAS, Article 2, Section 16 of the Constitution provides that the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;

WHEREAS, the Local Government Code likewise mandates the protection of the environment and impose appropriate penalties for acts which endanger the environment;

WHEREAS, Boracay Island, a masterpiece of nature endowed by the Almighty with powdery white sands, is gradually dissipated by man's selfish interests without due regard to consequences;

WHEREAS, the blatant extraction of the white sands in the Island of Boracay has greatly diminished its beauty and causes the slow degradation if not the destruction of the pristine Island;

THEREFORE, to preserve this gift of nature for beauty and for posterity, the necessity to impose stricter penalties is a must to deter the devastation of the Island, instill a sense of discipline, social responsibility and awareness for the environment to promote ecological balance and sustainable development.

SECTION 1. - **AMENDMENT**. Section 2 of Municipal Ordinance No. 141, Series of 2001 is hereby amended to read as follows:

"Section 2. **Penalty.** A fine of TWO THOUSAND FIVE HUNDRED PESOS (Php2,500.00) or imprisonment of not less one (1) month nor more than three (3) months or both , at the discretion of the Court, shall be imposed for the first offense committed by individuals.

For the second and subsequent offenses, an imprisonment of not less than three (3) months nor more than six (6) months or both, at the discretion of the Court, shall be imposed.

Juridical persons, hotels, resorts, or business establishments violating this Ordinance shall be fined TWO THOUSAND FIVE HUNDRED PESOS (Php2,500.00) or imprisonment of not less one (1) month nor more than six (6) months or both , at the discretion of the Court, shall be imposed upon its president, manager, administrator, owner or proprietor. Revocation of Business Permit may be imposed whenever warranted.

Aside from the penalties provided herein, the white sands and pebbles extracted and collected shall be returned to the beach where it was taken from at the expense of the violator. Mere possession of white sands and pebbles within the Municipality of Malay shall be presumed extracted from Boracay Island and shall be considered prima facie evidence of extraction."

SECTION 2.- **AMENDMENT.** An addendum to Municipal Ordinance No. 141, Series of 2001 is hereby provided to read as follows:

"Section 3. **Implementation.** The Office of the Mayor and its deputized representatives or the Malay Auxiliary Police (MAP) in coordination with the Philippine National Police (PNP) and other law enforcement agencies are tasked to properly and strictly implement this Ordinance."

SECTION 3. - **DATE OF EFFECTIVITY.** This Ordinance shall take effect upon approval and proper publication.

ENACTED. OCTOBER 11, 2011.


APPROVED. MARCH 27, 2012.

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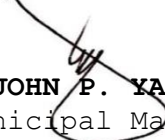
I HEREBY CERTIFY to the correctness of the afore-quoted Municipal Ordinance.

ATTESTED:


ROWEN T. AGUIREE
SB Member
Acting Presiding Officer


CONCORDIA S. ALCANTARA
Secretary to the Sangguniang Bayan

APPROVED:


JOHN P. YAP
Municipal Mayor

APPROVED. SP RESOLUTION NO. 2012-124, dtd. 5-9-12