



Republic of the Philippines  
Province of Aklan  
MUNICIPALITY OF MALAY



*Office of the Sangguniang Bayan*

**EXCERPT FROM THE MINUTES OF THE 15<sup>TH</sup> REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MALAY, AKLAN (2010-2013) HELD AT THE SB SESSION HALL, POBLACION, MALAY, AKLAN ON APRIL 24, 2012.**

Present:

- Hon. Ceciron S. Cawaling, Municipal Vice Mayor, Presiding Officer
- SB Member Wilbec M. Gelito
- SB Member Jonathan C. Cabrera
- SB Member Esel L. Flores
- SB Member Rowen T. Aguirre
- SB Member Natalie C. Paderes
- SB Member Dante C. Pagsugiron
- SB Member Paterno S. Sacapaño, Jr.
- SB Member Ric P. Calvario, Liga President

Absent:

- SB Member Jupiter Aelred G. Gallenero (on leave)
- SB Member Cristina R. Daguno, SK Federation President (excused)

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**MUNICIPAL ORDINANCE NO. 314**  
Series of 2012

**AN ORDINANCE REGULATING THE OPERATION OF REEFWALKER OR HELMET DIVING ACTIVITY WITHIN THE MUNICIPALITY OF MALAY, DESIGNATING AN AREA OF OPERATION AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.**

**(Sponsors: Hon. Dante C. Pagsugiron  
and Hon. R. Aguirre)**

**WHEREAS**, Article II, Section 16 of the 1987 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 provides that the Sangguniang Bayan shall adopt measures to protect the environment and impose appropriate penalties for acts which endanger the environment;

**WHEREAS**, the Local Government Code also mandates to regulate the establishment, operation and maintenance of entertainment or amusement facilities or activities in order to protect the social and moral welfare of the community;

**WHEREAS**, one of the major reasons for the degradation and destruction of underwater marine resources is due to the uncontrolled and rampant anchoring and unregulated operation of different water sports activities around the Island of Boracay, especially the operation of reefwalker/helmet diving where there is no regulation or guidelines governing it;

**WHEREAS**, the proliferation of this kind of activity often leads to accidents for failure to observe proper safety guidelines;

**THEREFORE**, in order to immediately address these precarious underwater activities, this piece of legislation is hereby enacted;

SECTION 1. **DECLARATION OF POLICY/GUIDELINES, REQUIREMENTS FOR BREATHING AIR COMPRESSOR FOR REEFWALKER/HELMET DIVING.** It shall be mandatory for every reefwalker/helmet diving company to strictly follow these guidelines.

- a) The air compressor or Surface Supply Breathing Apparatus (SSBA) systems/units to be utilized must be for recreational and/or professional uses only. In no case shall air compressors for industrial applications be used.
- b) The SSBA's must have a filter with moisture separator and the filter element must be replaced every month or every time the need arises;
- c) Fittings and clamps on the helmets must be made of stainless steel or brass (Finest marine quality);
- d) The SSBA's must use synthetic oil or vegetable oil;
- e) The SSBA's intake must have a filter and two-meter hose for intake;
- f) The SSBA's air bank must have a drain valve and must be drained for thirty (30) minutes after every use;
- g) A standby emergency scuba tank must be in place in cases of emergency and the hydro-tested pressure gauge must be in excellent working condition at all times;
- h) Every helmet diving shop must use transparent hoses for diving and all diving hoses must conform to professional standards. (AS1716 or AS2299).
- i) All diving helmets, hoses and fittings must satisfy professional diving requirements.**

SECTION 2. **DECLARATION OF POLICY/GUIDELINES, REQUIREMENTS FOR DIVING PLATFORM.** It shall be mandatory for every reefwalker/helmet diving company to strictly follow these guidelines.

- a) Only those reefwalker/helmet diving company with license to operate can moor in the designated diving area. Only one (1) diving platform is allowed for every reefwalker/helmet diving company;
- b) The specific recommended measurement of reefwalker/helmet diving platform shall be twelve (12) meters in length and five (5) meters in width and must be made of fiber glass or aluminum materials. The use of indigenous materials is strictly prohibited;
- c) The platform must be removed at the diving site after its daily operation and moored at the designated mooring area;
- d) Every helmet diving company shall provide or put up its own concrete or steel sinkers for anchorage purposes in the diving area;
- e) Every helmet diving platform must be equipped with a fire extinguisher, first aid kit, ring buoy, life jacket, 2-way radio, extra oxygen set and trash can;
- f) Every helmet diving platform must publish a set of safe diving procedures, emergency, evacuation, and rescue procedures, The safe diving procedures must be kept at the dive site, readily available to all;
- g) Serving of foods and drinks to the guests in the diving platform is strictly prohibited. Every helmet diving company platform is enjoined to maintain cleanliness at all times;

- h) The time allowed for the operation of reefwalker/helmet diving is from sunrise to sunset only. Diving outside the allowed time is strictly prohibited;

**SECTION 3. OTHER REGULATED ACTS.**

- a) Any kind of fishing or any other activity aside from helmet diving shall not be allowed within the perimeters of the helmet diving activity.
- b) There must be one (1) underwater instructor-guide for every two (2) helmet divers to ensure their safety while performing the underwater dive. The underwater instructor-guide must be a certified rescue diver with scuba diving equipments.
- c) Whenever possible, the diver or the instructor-guide must be able to operate a **needle-valve that controls the amount of air flowing** into the helmet.
- d) Every helmet diver must be required to wear a wet suit before diving.
- e) In no case shall children eight (8) years old and below be allowed to join or participate in any reef walker/helmet diving activity.

**SECTION 4. PENALTIES.** Any person, natural or juridical, found violating Sections 2, 3, 4 and 5 of this Ordinance shall suffer a fine of TWO THOUSAND FIVE HUNDRED PESOS (Php2,500.00) or an imprisonment of not less than three (3) months nor more than six (6) months or both, at the discretion of the Court. The accessory penalty of confiscation of the subject devices/apparatuses and cancellation of permits shall be imposed accordingly.

In cases where death occurred in violation of this Ordinance, a fine of TWO THOUSAND FIVE HUNDRED PESOS (Php2,500.00) and imprisonment of six (6) months shall be imposed on the president, manager, administrator, owner, proprietor or instructor of the helmet diving company. The helmet diving company shall likewise be suspended for thirty (30) days. Actions brought on the basis of this Ordinance shall be without prejudice to other actions available as may be provided by law.

**SECTION 5. ADMINISTRATIVE PROVISION.** The Local Government Unit shall identify and establish one designated area for helmet diving at the front beach of Boracay Island and one area at the back of the Island with a maximum area of Two Thousand (2,000) square meter radius with a maximum depth of Twenty (20) feet.

The LGU shall organize a monitoring team purposely to oversee the operation of helmet diving activities and ensure the compliance of these policies and guidelines.

The LGU may seek the cooperation of appropriate National Government Agencies and Non-Government Agencies to fully implement the mandate of this Ordinance.

Copies of this Ordinance shall be posted in every diving platform in order that divers/customers may be informed for their safety and the company's compliance herewith.

SECTION 6. **SEPARABILITY CLAUSE.** If for any reason or reasons, any part or provision of this Ordinance shall be declared unconstitutional or invalid, other parts or provisions thereof not affected shall continue to be in full force and effect.

National Laws pertinent to water sports or activities shall be suppletory in character whenever applicable.

SECTION 7. **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 8. **EFFECTIVITY.** This ordinance shall take effect upon approval and proper publication.

**ENACTED.** NOVEMBER 15, 2011.

**APPROVED.** APRIL 24, 2012.

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



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

ATTESTED:



**CECIRON S. CAWALING**  
Municipal Vice Mayor  
Presiding Officer

APPROVED:



**JOHN P. YAP**  
Municipal Mayor

**APPROVED: SP RESOLUTION NO. 2012-156, dtd. 6-20-12**

**AMENDED BY MO # 330, S. 2014 , dtd. 2-25-14**





