



Republic of the Philippines
Province of Aklan
MUNICIPALITY OF MALAY



Office of the Sangguniang Bayan

MUNICIPAL ORDINANCE NO. 181
Series of 2002

AN ORDINANCE REGULATING ACTIVITIES OF VENDORS, PEDDLERS, AMBULANT MASSEURS AND MANICURISTS IN THE ISLAND OF BORACAY AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

(EXPLANATORY NOTE:) The tourism boom in the Island of Boracay brings a lot of livelihood opportunities to both Malaynons and non-Malaynons. Evidently these opportunities attract a great number of vendors, peddlers, masseurs and manicurist to the Island and their number is increasing as the industry grows steadily. With this influx, it is imperative for the Local Government of Malay, through the Sangguniang Bayan, to formulate the necessary ordinance to regulate their transactions and activities in consonance with the transactional standards required of a tourism based community. With this ordinance, relationship between and among these vendors, peddlers, masseurs and manicurists shall be harnished for the betterment of the services and goods they offer to their clients within the territorial jurisdiction of Malay.

SECTION 1. - DEFINITION OF TERMS. As used in this ordinance, the following terms shall mean:

STATIONARY VENDOR - pertains to a person or entity who regularly sells souvenir items, shades, watches and other personal effects in a particular place designated by LGU-Malay for vending purposes.

TRANSIENT VENDOR/MERCHANDISER - a person or entity who vends or merchandises a particular product or service not in a regular basis but intermittently.

FRUIT PEDDLER/VENDOR - pertains to a mobile person or entity who regularly sells fruits of any kind.

MANICURIST - one who cares or treats of the hands and fingernails, this includes the care of the feet and toenails.

MASSEURS - one who engages in a system of remedial treatment consisting of kneading, rubbing and otherwise manipulating a part or the whole of the body with the use of hands.

SECTION 2. - GENERAL REGULATORY POLICIES. It is mandatory for all vendors, peddlers, ambulant masseurs and manicurists in the Island of Boracay to observe the following general regulatory policies:

- a) Only vendors, masseurs and/or manicurists duly accredited by Malay-Boracay Vendors, Peddlers, Ambulant Masseurs and Manicurists Association (MABOVEN) may market their goods or services, as the case maybe, within the Island of Boracay.
- b) Only vendors, peddlers, ambulant masseurs and manicurists with Mayor's Permit or license to engage in trade or business shall be permitted to market their goods or services within the Island of Boracay.

- c) No Mayor's Permit shall be issued to any vendor, peddler, ambulant masseurs and manicurists unless the following are complied:
- c.1 Attendance and completion in an LGU-Sponsored Seminar, or its equivalent, on customer's relation and skills upgrading;
 - c.2 Accreditation by Malay-Boracay Vendors, Peddlers and Ambulant Masseurs and Manicurists Associations (MABOVEN) and proper endorsement has been made by the aforesaid association
- d) A uniform and identification card shall be prescribed by the Office of the Mayor for each group and the same shall be worn before any vendor, peddler and ambulant masseur and manicurist shall be permitted to market or practice his/her trade within the Island of Boracay.
- e) It shall be the duty of vendors, masseurs and manicurists to maintain cleanliness of surroundings at all times, to properly dispose their respective garbage or residue.

SECTION 3. **SPECIFIC REGULATORY POLICIES. CONDUCT OF TRADE.** Following specific regulatory policies on the conduct of trade shall be strictly observed:

A) *AMBULANT MASSEURS/MANICURISTS*

- a.1) The LGU shall designate areas along the main beach located within the vegetation area for ambulant masseurs and manicurists to conduct their respective trade.
- a.2) Ambulant masseurs/manicurists are strictly prohibited to market their services on the beach;
- a.3) Massage activities shall be done within the designated area for masseurs and on the beach directly adjacent to the aforementioned designated area but in no case beyond three (3) meters from the edge of the vegetation area, offshore.
- a.4) Manicurists may conduct their manicuring activities only within the designated area for ambulant manicurists, provided that shall not be done in front of restaurants.
- a.5) A uniform service rates shall be charged by the masseurs and manicurists, respectively.

B) *STATIONARY VENDORS*

- b.1) The LGU shall designate areas along the main beach located within the vegetation area for stationary vendors to vend their wares. Stationary vendors however may utilize a particular space in front of a resort for vending provided that a written permission is issued by the resort owner and provided further that the space occupied does not extend to the path road.
- b.2) Stationary vendors are strictly prohibited to display and/or vend their wares while in transit.
- b.3) A display stand may be used by the stationary vendors for their wares provided it shall not be more than the prescribed size of four (4) feet in height and four (4) feet in width made of either wood or steel. The said stand must be removed from the vending area when not in use. No other structure is permitted in the said area other than the aforementioned stand.

C) Fruit Peddler/Vendors

- c.1) Ambulant peddling or vending of fruits may be permitted only on the path road hence activity of this nature is strictly prohibited on the beach area. Vending of fruits may be permitted in resort areas provided the owner permits the same.

C) TRANSIENT VENDORS/PEDDLER/MERCHANDISERS

- d.1) Transient vendors/peddler and/or merchandisers are strictly prohibited on the beach area, path road and within the resort areas.
- d.2) Payment of security deposit of TWO THOUSAND PESOS (₱2,000.00), per vendor/merchandiser, shall be made before engaging in vending or merchandising activity, as prescribed by Municipal Ordinance No. 2002-132.

SECTION 4. **PENALTIES.** Violation of any provisions of this ordinance shall suffer the following penalties:

FIRST OFFENSE - Stern warning and a fine of FIVE HUNDRED PESOS (₱500.00). Confiscation of goods or wares which are objects of violation.

SECOND AND SUBSEQUENT OFFENSES - Fine of ONE THOUSAND PESOS (₱1,000.00) and cancellation of Mayor's Permit or license to engage in trade and or imprisonment of not more than ten (10) days not less than two (2) days. Confiscation of goods or wares which are objects of violation.

SECTION 6. **EFFECTIVITY.** This Ordinance shall take effect upon approval and proper publication.

ENACTED. NOVEMBER 6, 2002.

APPROVED. DECEMBER 18, 2002.

CERTIFIED TRUE COPY:


CONCORDIA S. ALCANTARA

Secretary to the Sangguniang Bayan

APPROVED. SP RESOLUTION NO. 03-354, dtd. 10-24-03

