



Republic of the Philippines  
Province of Aklan  
MUNICIPALITY OF MALAY



*Office of the Sangguniang Bayan*

MUNICIPAL ORDINANCE NO. 198  
Series of 2003

**AN ORDINANCE REGULATING RECLAMATION AND/OR CONSTRUCTION OR INSTALLATION OF STRUCTURES IN WATERWAYS, SWAMPS, ESTUARIES, LAKES, LAGOONS AND OTHER SIMILAR BODIES OF WATER WITHIN THE TERRITORIAL JURISDICTION OF MALAY AND PROVIDING PENALTIES FOR VIOLATION THEREOF.**

*(SPONSOR: HON. ALLAN T. BIGUEJA)*

SECTION 1. - **REGULATORY POLICY.** It shall be prohibited of any person, natural or juridical, to reclaim and/or construct or install structures of any nature in waterways, swamps, estuaries, lakes, lagoons and other similar bodies of water within the territorial jurisdiction of Malay.

SECTION 2. - **DEFINITION OF TERMS.** As used in this ordinance the following terms or phrases shall mean:

**NATURAL EMBANKMENT** - a protecting or supporting bank created by the natural flow or activity of water;

**WATERWAYS** - nature or man-made excavations intended to permit the flow of water freely;

**LAGOON** - a body of shallow salt or fresh water, as a bay or inlet or a pond or lake, separated from but connecting with the sea or usually connecting with a river or lake, as the case may be;

**ESTUARY** - the wide mouth of a river where it is met or invaded by the sea;

**OTHER SIMILAR BODIES OF WATER** - pertain to rivers, springs, creeks, streams, brooks and other related nature made flowing waters.

SECTION 3. - **MANDATORY SETBACK.** For purposes of construction or installation of structures, any person, natural or juridical, shall observe the required five (5) meter setback from the natural embankment of any waterways, swamps, estuaries, lakes, lagoons and other similar bodies of water.

Existing structures within five (5) meter setback shall be given one (1) year moratorium from the effectivity of this ordinance. The aforesaid structure shall be voluntarily removed by the owner, otherwise, LGU Malay shall remove the same, after expiration of the one (1) year moratorium, at the owner's expense.

SECTION 4. - **REGULATED RECLAMATION.** Reclamation of low level areas along waterways, swamps, estuaries, lakes, lagoons and other similar bodies of water may be permitted provided that such shall not extend beyond the natural embankment and the following clearances, endorsement and permit are properly secured:

4.a) Clearance from the Municipal Zoning Office and the Municipal Engineering Office;

- 4.b) Sangguniang Bayan Endorsement
- 4.c) Mayor's Reclamation Permit

SECTION 5. - **PENALTIES.** Any person, natural or juridical who reclaims and/or construct or install any structure in violation of any provision of this ordinance shall be meted the following penalties:

- a) Stoppage of work and demolition of the same and a fine of TWO THOUSAND FIVE HUNDRED PESOS (₱2,500.00) and an imprisonment of not less than three (3) months and not more than six (6) months or both fine depending on the discretion of the court.
- b) If the violator ignores Notice of Stoppage and Demolition, the LGU-Malay shall demolish the same at the owner's expense after fifteen (15) day notice of demolition.

SECTION 6. - **AMENDATORY CLAUSE.** Any Ordinance, rules and regulations, or parts thereof, whose provisions are in conflict with, or contrary to the provisions of this Ordinance are hereby repealed, amended and modified accordingly.

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

**ENACTED.** AUGUST 6, 2003.

**APPROVED.** SEPTEMBER 3, 2003.

CERTIFIED TRUE COPY:



**CONCORDIA S. ALCANTARA**

Secretary to the Sangguniang Bayan

**APPROVED. SP RESOLUTION NO. 04-138, dtd. 6-18-04**

