



Republic of the Philippines  
Province of Aklan  
MUNICIPALITY OF MALAY



*Office of the Sangguniang Bayan*

**MUNICIPAL ORDINANCE NO. 189**  
Series of 2003

**AN ORDINANCE REGULATING THE OPERATION OF SAILBOATS (PARAW)  
WITHIN THE MUNICIPAL WATERS OF MALAY AND PROVIDING  
PENALTIES FOR VIOLATION THEREOF.**

SECTION 1. - **MAYOR'S PERMIT TO OPERATE.** No sailboat (paraw) shall be permitted to operate within the Municipal waters of Malay unless an Annual Mayor's Permit to operate has been secured.

SECTION 2. - **MAYOR'S PERMIT REQUIREMENTS.** No Mayor's Permit to operate shall be issued unless the following requirements are complied:

- a) Sailboat upon which Mayor's Permit is applied is owned by a bonafide resident of Malay. For purposes of this ordinance, bonafide resident shall mean six (6) months actual residency and ownership of the place of abode within the Municipality of Malay.
- b) Endorsement of Malay Sailboat Operators Incorporated (MASBOI).
- c) Certification by the Municipal Transportation Officer that the sailboat is sea-worthy.
- d) Payment of fees and taxes as prescribed by the Municipal Revised Revenue Code of Malay.
- e) Procurement of a group accident insurance policy for sailboat passengers and crew members.
- f) Sailboat's body must be painted white.

SECTION 3. - **DEPORTMENT.** Sailboat crewmembers and/or operators shall strictly observe the following:

- a) Rendering sailing services while under the influence of alcohol, illegal drugs and/or intoxicating liquid or substance is strictly prohibited.
- b) When dealing with guests, utmost courtesy, politeness, hospitality and honesty must be observed at all times.
- c) Promotion of prostitution and prohibited drugs is strictly prohibited.
- d) Display of Identification Card must be done while rendering boating service.

SECTION 4. - **OPERATION'S REGULATORY POLICIES.** The following operation's regulatory policies shall be strictly observed:

- 1) Each sailboat shall bear a designated body number and must also indicate the passenger capacity both of which shall be painted in dark blue or black.

- 2) Wearing of life jacket, for passengers and crew members, at all times.
- 3) Each sailboat must have the following gadgets on board:
  - a) Knife
  - b) Extra rope no less than 15 meters in length
  - c) Flashlight
  - d) First Aid Kit
- 4) No sailboat shall load beyond the indicated passenger's capacity and shall submit to the Philippine Coast Guard or its duly authorized representative a passenger's manifest before sailing.

SECTION 5. - **WAITING AND PARKING LIMITATIONS.** For purposes of waiting prospective clients, only two (2) sailboats at a time shall be allowed to park at Station 1, 1b, 2, 3 & 3b. At 4:00 P.M. to 5:00 P.M., however, five (5) sailboats shall be allowed to park at Station 2. Parking sailboats shall be situated at the extreme side of each of the aforementioned stations with all their sails or mast down except one and shall not in anyway obstruct the motorized banca docking area for loading and unloading passengers.

SECTION 6. - **PENALTIES.** For violation of Section 1 of this Ordinance, the following penalties shall be imposed:

- First Offense . . . a fine of ₱500.00
- Second Offense . . . a fine of ₱1,000.00 and one (1) day impoundment of sailboat.
- Third Offense . . . a fine of ₱1,500.00 and three (3) days impoundment of sailboat.

In the event the sailboat is towed and impounded, the following fee shall be paid before the apprehended sailboat is released:

- Towing Fee . . . . . ₱500.00
- Impoundment Fee . . . . . 200.00 per day

Upon towing and impoundment, the owner of the sailboat shall sign a waiver stipulating that the impounding agency shall not be liable for any damage, destruction and/or wreckage of the sailboat after the three (3) day impoundment period and the same was not redeemed by the owner.

For violation of Section 3 of this Ordinance, the following penalties shall be imposed:

- a) Paragraph a - For the first offense a fine of ₱500.00 and fifteen (15) days suspension as a crew member. ₱800.00 and one (1) month suspension for the second offense. ₱1,000.00 and cancellation of Mayor's Permit as crewmember for the third and/or subsequent offenses.
- b) Paragraph b - For the first offense, ₱300.00 and stern warning. ₱500.00 and fifteen (15) days suspension for the second offense. ₱800.00 and cancellation of Mayor's Permit as crew member for the third and/or subsequent offenses.
- c) Paragraph c - Fine of ₱2,000.00 and cancellation of permit as a crew member without prejudice to filing of appropriate criminal action by the state before the proper court of law.

d) Paragraph d - fine of ₱200.00 per infraction.

For violation of any provisions of Section 4 and 5 of this ordinance, the following penalties shall be imposed:

First Offense . . . . a fine of FIVE HUNDRED PESOS (₱500.00)

Second Offense. . . . a fine of ONE THOUSAND PESOS (₱1,000.00)

Third & Subsequent

Offense . . . . . a fine of ONE THOUSAND FIVE HUNDRED PESOS (₱1,500.00) and impoundment of sailboat for three (3) days in which case the operator and/or crew shall pay the service charges for towing and/or impoundment, as the case may be, as prescribed by this Ordinance.

SECTION 8. - **AMENDMENTS.** 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 9. - **EFFECTIVITY.** This ordinance shall take effect upon approval and proper publication.

**ENACTED.** APRIL 2, 2003.

**APPROVED.** MAY 21, 2003.

CERTIFIED TRUE COPY:



**CONCORDIA S. ALCANTARA**

Secretary to the Sangguniang Bayan

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

