



Republic of the Philippines
Province of Aklan
MUNICIPALITY OF MALAY



Office of the Sangguniang Bayan

MUNICIPAL ORDINANCE NO. 223
Series of 2005

**AN ORDINANCE REQUIRING OWNERS AND/OR OPERATORS OF
MOTORIZED BANCAS/VESSELS TO SECURE FRANCHISE FROM THE
SANGGUNIANG BAYAN OF LGU-MALAY BEFORE OPERATING WITHIN
THE MUNICIPAL WATERS OF MALAY.**

SECTION 1. - **RATIONALE.** The Local Government Code of 1991, particularly Section 447, paragraph 3 [vii] provides that the Sangguniang Bayan, by a majority vote of all the members, grant a franchise to any person, partnership, corporation, or cooperative to establish, construct, operate and maintain ferries, among others, within the Municipality. Considering that Caticlan-Boracay route and other ferry services around Boracay are entirely within the municipal jurisdiction of Malay hence this piece of legislation.

SECTION 2. - **FRANCHISE.** Owner/s and/or operator/s, natural or juridical, of motorized banca/vessel shall secure a franchise from the Sangguniang Bayan of LGU-Malay before operating within the Municipal Waters of Malay. This grant of franchise is without prejudice to MARINA requirements and Mayor's Permit to operate which owners and/or operators must comply.

SECTION 3. - **DEFINITION OF TERMS/PHRASES.** The following terms and phrases, for purposes of this Ordinance, shall be construed and understood to mean:

FERRY FRANCHISE - a special privilege to operate a ferry service within the Municipal Waters of Malay granted to a person, natural or juridical, by the Sangguniang Bayan of LGU-Malay.

FERRY SERVICE - pertains to a utility rendered by any motorized banca/vessel to persons and/or cargoes for purposes of transport, boating, diving, snorkeling and other similar water activities within the Municipal Waters of Malay.

MOTORIZED BANCA/VESSEL - pertains to a seacraft of any make and size operation of which depends upon an engine.

MUNICIPAL WATERS - refer to all waters along, between and connecting mainland Malay and the various islands of this Municipality, as delineated by pertinent accepted indicators and/or boundaries attested by appropriate government agencies.

SECTION 4. - **FRANCHISE. DURATION.** Municipal franchise for ferry operation shall be in effect for a period of two [2] years, renewal of the same shall be made within one [1] month prior to expiration date.

SECTION 5. - **FRANCHISE. REQUIREMENTS.** Owner/s and/or operator/s applying for a franchise shall submit the following:

a. **MARITIME INDUSTRY AUTHORITY [MARINA] DOCUMENTS.**

- 1) Certificate of Ownership
- 2) Certificate of Vessel Registry

- 3) Provisionary Authority/Certificate of Public Convenience
- 4) Certificate of Inspection (CI)

- b. **MOTOR BANCAS/VESSELS FOR BOATING PURPOSES** shall secure Endorsement from Boracay Island Hopping Association [BIHA].
- c. **MOTOR BANCAS/VESSELS SERVICING CATICLAN-BORACAY ROUTE** shall secure Endorsement from Caticlan-Boracay Transport and Multi-Purpose cooperative [CBTMPC].

SECTION 6. - **FRANCHISE FEE. RATES.** Applicants for a ferry franchise shall be charged the following rates:

- **WOODEN HULLED VESSELS**
Passengers/Cargoes - ₱40.00 per gross ton with ₱300.00 minimum per vessel
- **ALUMINUM/STEEL HULLED VESSELS**
PASSENGERS/CARGOES - ₱60.00 per gross ton with ₱800.00 minimum per vessel

SECTION 7. - **LATE RENEWAL. PENALTIES.** Owner/s and/or operator/s, natural or juridical, who fails to renew ferry franchise on time shall be charged the following fines:

- a. One [1] to five [5] days late - - ONE HUNDRED PESOS [₱100.00]
- b. Six [6] to ten [10] days late - - TWO HUNDRED PESOS [₱200.00]
- c. Above ten [10] days but not more than thirty [30] days late - -FOUR HUNDRED PESOS [₱400.00]
- d. More than thirty [30] days late- -SIX HUNDRED PESOS [₱600.00]

SECTION 8. - **PENALTIES.** Owner/s and/or operator/s of motor bancas/vessels apprehended tendering ferry service without the required franchise shall be fined an amount of ONE THOUSAND PESOS [₱1,000.00] for the first offense; ONE THOUSAND FIVE HUNDRED PESOS [₱1,500.00] for the second offense; for the third and subsequent offenses, TWO THOUSAND FIVE HUNDRED PESOS [₱2,500.00] and impoundment of the motor banca/vessel and shall be released only upon securing a franchise thereof. TWO HUNDRED PESOS [₱200.00] per day shall be charged as impounding fee.


SECTION 9. - **REPEALING CLAUSE.** Any ordinance, rules and regulations, or parts thereof, provisions of which are in conflict with, or contrary to the provisions of this ordinance are hereby repealed, amended and modified accordingly.

SECTION 10. **DATE OF EFFECTIVITY.** This Ordinance shall take effect upon its approval and proper publication.

ENACTED. MARCH 31, 2005.

APPROVED. APRIL 14, 2005.

CERTIFIED TRUE COPY:


CONCORDIA S. ALCANTARA
Secretary to the Sangguniang Bayan

APPROVED. SP RESOLUTION NO. 06-028, dtd. 1-11-06

