



Republic of the Philippines
Province of Aklan
MUNICIPALITY OF MALAY



Office of the Sangguniang Bayan

MUNICIPAL ORDINANCE NO. 74

Series of 1994

AN ORDINANCE REGULATING THE CUTTING, FELLING, DESTRUCTION OR OTHERWISE DELIBERATELY KILLING OF COCONUT TREES, AS WELL AS THE PROCESSING OR CONVERSION THEREOF INTO LUMBER, LOGS, OR ANY END OR USER PRODUCT, INCLUDING ITS SALES, TRANSPORTATION, TRANSSHIPMENT, OR TRANSFER WITHIN AND IN EXIT FROM THE PROVINCE OF AKLAN.

WHEREAS, the Sangguniang Bayan is empowered to enact ordinances aims to protect the inhabitants of the Municipality from the harmful effect of man-made disasters and calamities under paragraph (1)-(iv) and to protect the environment and impose appropriate penalties for acts which endanger the environment under paragraph (1)-(vi), both of Section 468 of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991";

WHEREAS, the attention of this body has been called to the alarming rate of cutting, felling, and other forms of destruction of coconut trees for use as lumber or wood substitute;

WHEREAS, this body is of unanimous view that the continued and indiscriminate cutting, felling or destruction of coconut trees, will not only adversely affect the economy of the province as a primary coconut producing area but may cause havoc to the environment and ecology being among the most abundant of trees in this jurisdiction and consequently may result in man-made disasters or calamities such as floods, massive erosion, and dislocation of existing water ways;

N O W, T H E R E F O R E

BE IT ORDAINED as it is hereby ordained, to prohibit all cutting, felling, destruction, or otherwise deliberately killing of coconut trees as well as their processing or conversion into lumber, logs, or any end or user product, including the sale, transportation, transshipment, or transfer thereof within and in exit from the province of Aklan, without a Mayor's Permit duly issued for the purpose by the municipal of the Municipality from where the tree has been cut, felled, destroyed or killed subject to conditions herein after provided:

SECTION 1. - When cutting, felling, and/or destruction of coconut trees may be allowed. Under no circumstances shall a Mayor's Permit for the cutting, felling, destruction or killing of coconut trees be issued unless it has been determined:

- 1) The coconut trees are senile. For the purpose of this ordinance, a coconut tree is deemed senile if it is more than 60 years old as determined by a duly authorized representative of the Philippine Coconut Authority (PCA);
- 2) It has become unproductive or its productive capacity has fallen to less than 50% of the average yield of other coconut trees in the area;

- 3) The coconut trees that has been damaged by lightning, typhoons, droughts, or other such natural calamities, or by pests, insects, and plant diseases, as long as the damaged was caused without the intervention of man;
- 4) The coconut trees need to be cut by reason of some government or public service project such as right of way for roads, power and communication lines, canals, water systems, and the like as well as for school buildings, barangay centers, multi-purpose pavements, and such similar constructions;
- 5) The coconut trees need to be cut in order to give way to private buildings, construction or improvements on the real property, or in order to convert the premises to use other than agricultural, provided that such buildings, constructions, or improvements are installed and the conversion effected within one (1) year of the cutting, otherwise, a permit issued for this reason shall be considered to have been obtained through fraud or misrepresentation and shall be deemed a transgression of this ordinance;
- 6) The trees are to be cut to give way to replanting or replacement with at least a similar number of coconut trees, provided that a written undertaking to pursue such a project six (6) months from the cutting, be executed by the land owner, duly subscribed and sworn to before a person authorized to administer oaths and failure to replace the coconut trees within the time provided shall be considered a violation of this ordinance;
- 7) The coconut trees pose a danger to persons or property by an evident possibility to toppling over from strong winds, erosion or water, earthquakes, landslides and such like causes without the intervention or man;

SECTION 2. - **REQUIREMENTS FOR THE ISSUANCE OF A MAYOR'S PERMIT.** The Mayor's Permit as required by this ordinance shall be issued only upon submission of certain requirements as follows:

- 1) For the cutting, felling, destruction or deliberate killing of coconut trees the applicant shall submit-
 - a) A copy of the Tax Declaration of the real property from where the tree is to be cut, felled, destroyed or otherwise killed;
 - b) A certification from the Barangay Captain of barangay where the trees are located or from a duly authorized representative of the Philippine Coconut Authority (PCA) that the tree is to be cut, felled, destroyed or killed in accordance with the provisions of Section 1 hereof stating the particular circumstance (Pars. 1 to 6) under which the tree/s is/are to be cut, felled or destroyed;
 - c) In the case of senile trees (par. I, Sec. 1), a certification from the duly authorized representative of the Philippine Coconut Authority of the condition of the tree or trees;
 - d) In the case of replanting or replacement, the written undertaking as required under Par. 5, Sec. 1 hereof;
- 2) For the processing or conversion into lumber, logs or any end or user product and the sale, transportation, transshipment, transfer of the coconut trees, the applicant must submit the Mayor's Permit for the cutting of every tree or the collective parts thereof, subject to the application.

SECTION 3. - **PENALTY CLAUSE.** In accordance with Par. (i)-(iv) of Section 468 of Republic Act No. 7160 (The Local Government Code of 1991), any violation of this ordinance shall be punishable by a fine of not less than FIVE HUNDRED PESOS (₱500.00) and not more than FIVE THOUSAND PESOS (₱5,000.00) or imprisonment of not less than five (5) days but not more than thirty (30) days, or both, the penalty depending on the number or volume of the trees cut, felled, destroyed, killed, processed, converted, sold, transported or transferred, and the recidivism of the offender, at the discretion of the court.

SECTION 4. - **EFFECTIVITY.** This ordinance shall take effect upon the publication thereof once a week for three (3) consecutive weeks in at least three (3) newspapers of general circulation within the Province of Aklan.

SECTION 5. - **APPROPRIATION.** The Sangguniang Bayan of Malay, by another ordinance, shall appropriate such funds as may be necessary for the publication and proper implementation of this ordinance, including the widest dissemination of the information relative thereto, in all possible media outlets in the province.

WHEREFORE, upon motion of Hon. Frolibar S. Bautista, duly seconded by all the members of this body, the Sangguniang Bayan of Malay, Aklan, in session assembled, hereby pass and adopt this ordinance this 19th day of September 1994 at Malay, Aklan, Philippines.

APPROVED ON SEPTEMBER 19, 1994.

CERTIFIED TRUE COPY:



CONCORDIA S. ALCANTARA

Secretary to the Sangguniang Bayan

