



Republic of the Philippines
Province of Aklan
MUNICIPALITY OF MALAY



Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE 28TH REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MALAY, AKLAN (1998-2001) HELD AT THE SESSION HALL ON AUGUST 10, 2000.

Present:

SB Member Frolibar S. Bautista, Acting Presiding Officer
SB Member Paterno G. Sacapaño
SB Member Abcedes S. Dela Torre
SB Member Allan T. Bigueja
SB Member Adrian D. Salaver
SB Member Ralf A. Tolosa
SB Member Julieta A. Aron

Absent:

Hon. Ceciron S. Cawaling, Vice Mayor (excused)
SB Member Charlito S. Villanueva
SB Member Joel V. Gelito, Liga President
SB Member Evan Jay V. Alianza, SK Federation President

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MUNICIPAL ORDINANCE NO. 2000-131

AN ORDINANCE AMENDING MUNICIPAL ORDINANCE NO. 96-97 REGULATING THE CONSTRUCTION OF ALL BUILDINGS AND OTHER STRUCTURES IN THE ISLAND OF BORACAY.

Be it enacted by the Sangguniang Bayan duly assembled:

SECTION 1. - **DECLARATION OF POLICY.** It is the policy of the Municipality to maintain and preserve the natural beauty and environment of Boracay Island particularly its white beaches and crystal clear waters as a peaceful, comfortable, healthful, sanitary and beautiful tourist haven both for domestic and foreign tourists for all generations to come.

SECTION 2. - **DEFINITION OF TERMS.** As used in this Ordinance, the following words, terms and phrases shall mean as follows:

- (a) **MEAN HIGH WATER MARK** - the part of the seashore between the upper limits of the wave wash at the highest tide of the year and the upper limits of the wave wash during normal high tides of the year;
- (b) **NO BUILD ZONE** - the space twenty-five (25) Meters from the edge of the mean high water mark measured inland;
- (c) **MAXIMUM HEIGHT** - the height of the building measured from the natural level of the ground to the highest point of the roof of a building;
- (d) **OPEN SPACE** - portion of the lot that should be left vacant and free of any vertical construction or structure.
- (e) **SETBACK** - the space or distance from the edge of the NO BUILD ZONE measured straight inland to the nearest edge of the structure.
- (f) **CLIFF** - high steep face of rock or mountain.
- (g) **BUILDING PERMIT** - document issued by the Office of the Municipal Engineer approving and/or authorizing the proposed construction;

- (h) **ZONING CLEARANCE** - document issued by the Office of the Municipal Zoning Officer attesting that the proposed construction has complied with the Set Back and Open Space Requirement of this Ordinance;
- (i) **CERTIFICATE OF OCCUPANCY** - document issued by the Office of the Municipal Engineer attesting that the finished construction has complied with all the requirements for its construction and is fit to be used for its purpose;

SECTION 3. - No building or structure of any kind whether temporary or permanent shall be allowed to be set up, erected or constructed on the beaches around the Island of Boracay and in its offshore waters. During the conduct of special activities or special events, the Sangguniang Bayan may through a Resolution authorize the Office of the Mayor to issue Special Permits for construction of temporary structures on the beach for the duration of the special activity as embodied in the Resolution.

SECTION 4. - SETBACK REQUIREMENTS AND MAXIMUM HEIGHT LIMITS.

- (a) The setback requirements and maximum height limits for all buildings shall be as follows:
- (1) The maximum height of buildings that can be constructed Five (5) Meters away from the edge of the NO BUILD ZONE measured inland up to Fifteen (15) Meters away therefrom shall be Six (6) Meters tall provided one (1) storey building only;
 - (2) The maximum height of buildings that can be constructed Fifteen and One Tenth (15.1) Meters away from the edge of the NO BUILD ZONE measured inland up to Twenty Five (25) Meters away therefrom shall be Eight and One Half (8.5) Meters tall provided two (2) storey building only;
 - (3) The maximum height of buildings that can be constructed Twenty Five and One Tenth (25.1) Meters away from the edge of the NO BUILD ZONE measured inland up to Fifty (50) Meters therefrom shall be Ten and One Half (10.5) Meters tall;
 - (4) The maximum height of buildings that can be constructed Fifty and One Tenth (50.1) Meters away from the edge of the NO BUILD ZONE measured inland up to One Hundred Fifty Meters (150) Meters therefrom shall be Twelve (12) Meters.
 - (5) The maximum height of buildings that can be constructed more than One Hundred Fifty (150) Meters away from the edge of the NO BUILD ZONE shall be Fourteen (14) Meters;

PROVIDED THAT:

- (b) The nearest edge of all buildings and structures temporary or permanent that may be constructed along a road shall be at least Six (6) Meters from the center of the road; and
- (c) The nearest edge of all buildings and structures that maybe constructed shall be at least one (1) meter away with firewall from the boundary of the lot and shall be two (2) meters away without firewall from the boundary of the lot.
- (d) No building or structure shall have more than three (3) floors.

SECTION 5. - **OPEN SPACE.** A mandatory open space equivalent to Forty Percent (40%) of the lot area where a vertical construction is proposed to be undertaken shall be maintained and kept open and free from any structure. Construction of Horizontal structure is allowed for lot areas located in the interior portion.

SECTION 6. - No building or structure shall be allowed to be constructed on a slope Twenty Five Percent (25%) or higher unless provided with soil erosion protective structures and authorized by the Department of Environment and Natural Resources;

SECTION 7. - Construction of buildings and other structures on edge of cliffs in areas classified as Buildable by Zoning Ordinance shall;

- (a) Comply with the design requirements of the National Building Code.
- (b) Observed a setback of ten (10) meters from the edge of the cliff and shall have a maximum height of no more than 10.5 meters.

SECTION 8. - No building or structure shall be allowed to be constructed on a swamp or other water clogged areas unless authorized by the Department of Environment and Natural Resources;

SECTION 9. - **PERMITS AND CLEARANCES.**

- (a) No building or structure shall be allowed to start construction unless a Building Permit therefore has been duly issued by the Office of the Municipal Engineer. Once issued, the building owner or any person in charge of the construction shall display on the lot or on the building undergoing construction a placard containing the Building Permit Number and the date of its issue. The Office of the Municipal Engineer shall not issue any building permit unless:
 - (1) The proposed construction has been duly issued a Zoning Clearance by the Office of the Municipal Zoning Officer;
 - (2) The proposed construction has been duly endorsed by the Sangguniang Bayan through a Letter of Endorsement;
- (b) Only buildings/structures which has complied with all the requirements for its construction as verified to by the Building Inspector and the Sangguniang Bayan shall be issued a Certificate of Occupancy by the Office of the Municipal Engineer.
- (c) No Business or Mayor's Permit shall be issued to businesses being undertaken on buildings or structures which were not issued a Certificate of Occupancy beginning January 2001 and thereafter;
- (d) No telephone, water or electrical connections shall be allowed to be attached or connected to the building or structure that has been or is being constructed unless the construction of the said building has been issued a building permit which has not been revoked or cancelled.

SECTION 10. - **PENALTIES.**

- (a) Any person who shall cause, participate or abet the construction of any building or structure in violation of this Ordinance or in any manner violate, disobey, refuse, omit or neglect to comply with the provisions of this Ordinance or any order issued by the officials tasked to enforce its provisions shall be guilty of misdemeanor and upon conviction shall be punished by imprisonment not exceeding six months or a fine not exceeding TWO THOUSAND FIVE HUNDRED PESOS (₱2,500.00) or both at the discretion of the Court;

- (b) The service by the Zoning Officer and Municipal Engineer of a written Notice of Violation to the owner, project proponent, architect, engineer, foreman or any person in charge of the construction of the building or structure shall have the effect of immediately canceling or revoking the Zoning and Building Permit issued to the project and shall be prima facie evidence that the building or structure is being or has been constructed in violation of the provisions of this Ordinance.
- (c) Upon receipt of the Notice of Violation, the owner, project proponent, architect, engineer, foreman or any person in charge of the construction shall immediately stop or discontinue the works being undertaken on the building or structure constituting the violation until the Zoning Officer and Municipal Engineer has issued a written authorization to resume the works. Should the owner, project proponent, architect, engineer or foreman or any person in charge of the construction of the building or structure disregard the Notice of Violation and continue to undertake the works, the offending structure or any part or portion thereof shall be demolished at the expense of the owner or project proponent.
- (d) No telephone, electricity, water and cable television connections shall be allowed to be connected to any building or structure, which has not been issued a Certificate of Occupancy. Violations by public utility providers of this provision shall subject them or their officers to the criminal liabilities specified in paragraph (a) hereof. Private individuals who extend or provide these facilities to the building or structure without a Certificate of Occupancy shall be liable for the same penalties.
- (e) Any building, structure or contraption erected in any public place within the Municipality of Malay such as but not limited to streets, thoroughfares, sidewalks, plazas, beaches or in any other public place are hereby declared as nuisance and illegal structure. Such building, structure or contraption shall be demolished by the owner thereof or any of his authorized representative within ten (10) days from receipt of the notice to demolish. Failure or refusal on the part of the owner or any of his authorized representative to demolish the illegal structure within the period herein above specified shall automatically authorize the government of the Municipality of Malay to demolish the same, gather and keep the construction materials of the demolished structure.

SECTION 11. - **REPEALING CLAUSE.** This Ordinance revokes, repeals and supersedes any other Ordinance or provisions thereof inconsistent with it.

SECTION 12. - **SEPARABILITY CLAUSE.** In the event that any section, paragraph, sentence, clause or word of this Ordinance is declared invalid or any reason, the other provisions thereof shall not be affected thereby.

SECTION 13. - **EFFECTIVITY CLAUSE.** This Ordinance shall take effect fifteen (15) days after its posting at the Bulletin Board of the Municipal Building of Malay, Aklan and in the Barangay Halls of Barangays Manocmanoc, Balabag and Yapak, all in Boracay Island or its publication in a local newspaper serving the Municipality of Malay whichever comes last.

