



Republic of the Philippines  
Province of Aklan  
**MUNICIPALITY OF MALAY**

*Office of the Sangguniang Bayan*



**EXCERPT FROM THE MINUTES OF THE 45<sup>TH</sup> REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MALAY, AKLAN (2007-2010) HELD AT THE SB SESSION HALL ON DECEMBER 17, 2008.**

Present:

SB Member Esel L. Flores, Presiding Officer Pro-Tempore  
SB Member Wilbec M. Gelito  
SB Member Gideon T. Siñel  
SB Member Rowen T. Aguirre  
SB Member Cristina C. Prado  
SB Member Charlie D. Villanueva  
SB Member Dante C. Pagsugiron  
SB Member Mateo A. Tayco  
SB Member Roldan M. Casidsid, Liga President

Absent:

Hon. John P. Yap, Municipal Vice Mayor  
SB Member Niño Elpe D. De Sullan, SK Federation President

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**MUNICIPAL ORDINANCE NO. 267**  
Series of 2008

**AN ORDINANCE AMENDING 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.**

SECTION 1. - **RATIONALE.** Various natural, economic and other man made interventions have influenced the development perspective of the Island of Boracay and to address this changing perspective, it is imperative that some irrelevant provisions of Municipal Ordinance 2000-131, be amended accordingly, hence this piece of legislation.

SECTION 2. - **DEFINITION. ADDITIONAL TERMS.** The following terms shall be added to Section 2, Definition of Terms, and shall be marked correspondingly.

- (j) **FIREWALL** - is a solid wall, without any opening of whatever nature, made of concrete or similar materials, designed to block the progress of fire.
- (k) **BUILDING LINE** - an imaginary demarcation separating the NO BUILD ZONE from the BUILD ZONE located thirty (30) meters from the edge of the mean high water mark measured inland.

SECTION 3. - **AMENDMENTS.** Section 3. Section 3 of Municipal Ordinance No. 20000-131 is hereby amended and the same shall be read as follows:

*"As a general rule, 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. In the conduct of special activities or events, however, the Office of the Mayor may issue Special Permits for the construction of temporary structures on the beach for the duration of the event which in no case shall be*

more than three (3) days, provided that said structure shall not disturb the flow of human traffic using the beach a promenade. Before issuance of the afore-cited Special Permit by the Office of the Mayor, the following shall be secured:

- a) *Structural Clearance from the Office of the Municipal Engineer;*
- b) *Locational Clearance from the Municipal Zoning Office."*

SECTION 4. - **AMENDMENTS.** Setback Requirements and Maximum Height Limits, Paragraph (a), Sub-Paragraphs (1), (2), (3), (4), (5) and Paragraph d, Section 4 are hereby omitted and shall be substituted with the following provisions;

"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 may be constructed from the building line measured inland up to fifteen (15) meters away therefrom shall not be higher than six (6) meters tall.
  - 2. The maximum height of buildings that may be constructed within the area of fifteen (15) and one tenth (15.1) meters to forty (40) meters away from the building line measured inland shall be not be higher than the imaginary straight line drawn from the highest permissible height of six (6) meters at the fifteen (15) meters area and the highest permissible height of fourteen (14) meters at the forty and one tenth (40.1) meters area both measured inland from the building line.
  - 3. The maximum height of building that may be constructed from forty and one tenth (40.1) meters and beyond measured inland from the building line, shall not be more than fourteen (14) meters.

**PROVIDED THAT:**

- b) The nearest edge of all buildings and similar 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) In the event that the area, upon which the structure shall be built, is only two hundred square meters or less, two sides maybe constructed on the property line and the same shall serve as common firewalls of the adjoining properties, provided further that constructions on both sides shall observe the open space requirements as prescribed by this ordinance."

SECTION 5. - **AMENDMENT.** Section 5. *Open Space.* Section 5 of Municipal Ordinance No. 2000-131 is hereby amended to be read as follows:

"Section 5 - **Open Space.** It shall be mandatory of all constructions in the Island of Boracay, both commercial and residential, to strictly observe and maintain the open space requirements prescribed as follows:

**TOTAL LOT AREA OPEN SPACE REQUIREMENT**

- a) Two Hundred Square Meters or Less - Ten Percent of the Total Area

- b) One Thousand Square Meters But Not Less Than Two Hundred Square Meters - Twenty Percent of the Total Area
- c) More than One Thousand Square Meters - Forty Percent of the Total Area "

SECTION 6. - **AMENDMENTS.** Paragraph (b) of Section 7 is hereby amended and shall be read as follows:

- d) *Observe as setback of ten (10) meters from the top or bottom of the cliff, as the case may be. The set back requirement however may be mitigated as to the bottom of the cliff if protective measures has been provided or installed against protracted land slides to be duly approved and certified by the Office of the Municipal Engineering of Malay.*

SECTION 7. - **AMENDMENTS.** Section 8. Section 8 is hereby amended and shall be read as follows:

*"Section 8. No building or structure shall be allowed to be constructed on swamps or other water clogged areas unless certification granting permit for construction of the same from the Department of Environment & Natural Resources is secured.*

SECTION 8. - **AMENDMENTS.** Section 9, permits and clearances is hereby amended and shall be read as follows:

"Section 9 - Permits & 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 Building Officials. 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 Building Officials 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 on site Building lay-out has been duly certified correct and proper by the Municipal Building Inspector.
- b) Only buildings/structures which has complied with all the requirements for its construction, as verified to by the Municipal Building Inspector shall be issued a Certificate of Occupancy."
- c) Public Utility Providers, such as, water, telephone, electricity and other similar services are prohibited to make respective connections to buildings and related structure if the same has been constructed without Building Permit and/or occupied without Occupancy Permit.

SECTION 9. - **SEWERAGE FACILITY.** New constructions, buildings and/or structures, in the Island of Boracay, with accommodation facility of at least fifty (50) rooms shall provide its own sewerage treatment facility. Existing structures and/or buildings with the same accommodation facility, at least fifty (50) rooms, shall comply with this provision within two (2) years from the effectivity of this Ordinance.

SECTION 10. - **BONDS.** All applicants/proponents of any construction and/or development in the Island of Boracay shall post a construction/development bond amounting to FIFTY THOUSAND PESOS (₱50,000.00), regardless of the total cost of the proposed project. The bond shall be either in cash or surety and posted with the Office of the Municipal Treasurer upon approval of construction permits and the same shall serve as deposit upon which environmental and constructions of the proponent, if there is any, shall be deducted therefrom. This bond shall be released to the proponent, less fines/penalties/charges for infractions, if there is any, upon project completion duly certified by the Building and Zoning Officials.

SECTION 11. - **Undertaking.** All applicants/proponents of any construction and/or development shall submit an undertaking to waive opposition to future expropriation of land for roads, right of way and easements and allow the ingress and egress to public areas and/or locations upon which the subject development of the proponent is burdened thereof.

SECTION 12. - **REPEALING CLAUSE.** All ordinances, 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 or modified accordingly.

SECTION 13. - **SEPARABILITY CLAUSE.** If any provision of this ordinance is declared invalid or unconstitutional, other parts or provisions thereof which are not affected thereby, shall remain in full force and effect.

SECTION 14. - **EFFECTIVITY.** This ordinance shall take effect upon approval and proper publication.

**ENACTED.** JULY 28, 2008.

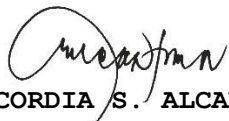
**APPROVED.** DECEMBER 17, 2008.

**APPROVED. SP RESOLUTION NO. 2009-098, dtd. 4-16-2009**

**(Addendum to Section 4 & 5 and Section 10, Amended by Ordinance No. 328, s. 2013)**

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I HEREBY CERTIFY to the correctness of the afore-quoted Municipal Ordinance.



**CONCORDIA S. ALCANTARA**

Secretary to the Sangguniang Bayan

ATTESTED:

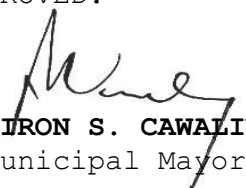


**ESEL V. FLORES**

SB Member

Presiding Officer Pro-Tempore

APPROVED:



**CECTRON S. CAWALING**

Municipal Mayor