



Republic of the Philippines
Province of Aklan
MUNICIPALITY OF MALAY



Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE 33RD REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MALAY, AKLAN (2013-2016) HELD AT THE SB SESSION HALL, POBLACION, MALAY, AKLAN ON OCTOBER 28, 2014.

Present:

- Hon. Wilbec M. Gelito, Municipal Vice Mayor, Presiding Officer
- SB Member Natalie C. Paderes
- SB Member Leal B. Gelito
- SB Member Danilo G. Delos Santos
- SB Member Paterno S. Sacapaño, Jr.
- SB Member Manuel S. Delos Reyes
- SB Member Abram L. Sualog, Liga President

Absent:

- SB Member Jupiter Aelred G. Gallenero (OB)
- SB Member Rowen T. Aguirre (sick leave)
- SB Member Frolibar S. Bautista

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MUNICIPAL ORDINANCE NO. 339
Series of 2014

AN ORDINANCE PROHIBITING THE CONSTRUCTION OF BASEMENTS IN ALL BUILDINGS AND OTHER STRUCTURES IN THE ISLAND OF BORACAY.

Be it ordained by the Sangguniang Bayan in session duly assembled, that:

SECTION 1. **DECLARATION OF POLICY.** It is the policy of the State that it shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. The Municipality of Malay, a fervent advocate in the preservation of Mother Nature and fully aware of the fragile nature of the Island of Boracay, seeks to preserve the Island's ecology and maintain its serene environment by regulating the construction of buildings and other structures in Boracay, in particular, the prohibition of constructing basements under any building or structure.

SECTION 2. **DEFINITION OF TERMS.** For purposes of this Ordinance, the following terms shall mean:

- a) **BASEMENT** - a portion of a building between floor and ceiling which is partly below and partly above grade but so located that the vertical distance from the grade to the floor is less than the vertical distance from grade to ceiling.

SECTION 3. **PROHIBITION.** It is hereby prohibited to build, construct, or introduce a basement, cellar, underground room, subterranean vault or any other underfloor space in the construction of buildings and other structures in Boracay Island.

SECTION 4. **PENALTY.** Any person, natural or juridical, found violating this Ordinance shall suffer a fine of TWO THOUSAND FIVE HUNDRED PESOS (Php2,500.00), or imprisonment of not less than three (3) months nor more than six (6) months, or both.

Whenever applicable, the business permit of the violator shall be suspended or revoked until such time compliance with this Ordinance has been effected.

In all cases, the subject basement may be demolished upon lawful order of the courts.

SECTION 5. **COMPLEMENTARY PROVISION.** This Ordinance shall be suppletory in character to Municipal Ordinance No. 131, Series of 2000 as amended.

SECTION 6. **SEPARABILITY CLAUSE.** If for any reason or reasons, any part, provision, or section of this ordinance shall be declared as unconstitutional or invalid by a court of competent jurisdiction, other parts or provisions thereof not affected shall continue to be in full force and effect.

SECTION 7. **REPEALING CLAUSE.** All previous ordinances, issuances, rules and regulations or parts thereof which are inconsistent or in conflict with the provisions of this ordinance are hereby repealed or modified accordingly.

SECTION 9. **EFFECTIVITY.** This ordinance shall take effect upon approval and proper publication in a newspaper of general circulation.

ENACTED. SEPTEMBER 30, 2014.

APPROVED. OCTOBER 28, 2014.


**APPROVED. SP RESOLUTION NO. 005, S. 2014, DTD. 1-7-15
PUBLISHED. MADYAAS PEN, dtd. 1-24 & 31, 2015 & 2-7-2015**

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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:


WILBEC M. GELITO
Municipal Vice Mayor
Presiding Officer

APPROVED:


JOHN P. YAP
Municipal Mayor