



Republic of the Philippines  
Province of Aklan  
MUNICIPALITY OF MALAY



*Office of the Sangguniang Bayan*

**MUNICIPAL ORDINANCE NO. 97**  
Series of 1996

**AN ORDINANCE REGULATING THE CONSTRUCTION OF ALL BUILDING AND OTHER STRUCTURES IN BORACAY.**

**WHEREAS**, Resolution No. 135, s. 1994 amends the height limit of all structures in Boracay as provided for in the Master Development Plan;

**WHEREAS**, recent survey of all existing structures show that many owners and contractors misinterpreted the provisions of existing regulations, thus they failed to comply with limitations prescribed by existing regulations in the construction of their structures and/or buildings;

**WHEREAS**, there is a need to prohibit and/or regulate the construction of building and other structures in Boracay particularly near the beaches and the water around the Island in order to protect its ecology and to preserve its natural environment and beauty as a tourist destination;

**WHEREAS**, this Body has directed the Municipal Planning and Development Officer and the Municipal Engineer to conduct a survey and submit their recommendation on the acceptable limitations that should be imposed on the construction of all structures and building in Boracay;

**WHEREAS**, this Body has conducted the required public hearings on this proposed Ordinance and the consensus arrived in the said public hearing have taken into consideration and incorporated in the Ordinance;

**NOW THEREFORE**, following the recommendations of the Municipal Planning and Development Officer and the Municipal Engineer and of the consensus reached during the public hearings conducted for the purpose; the Sangguniang Bayan of Malay, Aklan hereby enacts the following ordinance:

**SECTION 1. - ORDAINING CLAUSE.** No building or structures of any kind neither commercial, business, recreational and residential, whether permanent or temporary shall be constructed and/or allowed to operate on the beaches around the island including the offshore waters; In the same manner that no building or structure of any kind temporary or permanent shall be constructed or be allowed to operate within twenty five (25) meters from the beach marker established by the DOT which is hereinafter referred to as "NO BUILD AREA" except those structures already existing therein prior to the approval of this Ordinance; In case of renovations or new construction the same lot owners shall be required to follow all provisions of this ordinance;

**SECTION 2. -** A setback of five (5) meters from the edge of the "NO BUILD AREA" as specified in Section 1 hereof shall be observed. All persons whether natural or judicial who wanted to construct buildings or structures next to the "NO BUILD AREA" shall construct their buildings or structures five (5) meters away from the edge of the "NO BUILD AREA" specified herein;

**SECTION 3 (a). -** Maximum height of all buildings/structures with roof deck shall be measured from the natural ground up to the highest point or apex of the building/structures shall (See Annex A);

- I. Five (5) meters or one (1) storey building, shall be constructed five (5) meters away from the edge of the "NO BUILD AREA" as specified herein;
- II. Six (6) meters or one (1) storey building only, shall be constructed ten (10) meters away from the edge of the "NO BUILD AREA";

- III. Eight and one half (8.50) meters or two (2) storey building only shall be constructed fifteen (15) meters away from the edge of the "NO BUILD AREA";
- IV. Ten and one half (10.50) meters or two (2) storey building only shall be constructed twenty five (25) meters away from the edge of the "NO BUILD AREA";
- V. Twelve (12) meters or three (3) storey building shall be constructed sixty five (65) meters away from the edge of the "NO BUILD AREA";
- VI. Attic or mezzanine shall be prohibited;

SECTION 3 (b). - Maximum height of all buildings/structures with normal roofing shall be measured from the natural ground up to the highest point or apex of the buildings/structures shall; (See Annex B).

- I. Six (6) meters or one (1) storey building only shall be constructed five (5) meters away from the "NO BUILD AREA";
- II. Eight (8) meters or one (1) storey building only shall be constructed ten (10) meters away from the "NO BUILD AREA";
- III. Eight and one half (8.50) meters or two (2) storey building only shall be constructed fifteen (15) meters away from the "NO BUILD AREA";
- IV. Ten and one half (10.50) meters or two (2) storey building only shall be constructed twenty five (25) meters away from the "NO BUILD AREA";
- V. Fourteen (14) meters or three (3) storey building only shall be constructed One Hundred Fifty (150) meters away from the "NO BUILD AREA" provided that it shall be One Hundred (100) meters away from the center of the main road;
- VI. Attic or mezzanine shall be prohibited.

SECTION 3 (c). - There shall be a setback of three (3) meters measured from the shoulder of all the buildings/structures constructed along the main road; and one (1) meter setback from their property line.

SECTION 4. - No buildings/structures shall be constructed slope over twenty five percent (25%) unless may be determined by the Building Official is structurally protected and provided with soil erosion protective structures. Buildings/structures on this area shall have a maximum of up to ten (10) meters height.

SECTION 5. - (a) No building or structures shall be constructed on a swamp or other water clogged areas in the island except on those area classified by existing zoning ordinance as "BUILDABLE AREAS".

(b) Building constructed on swamp classified as "BUILDABLE AREA" shall comply with the requirements of the National Building Code, the height limitations provided by this ordinance and the setback requirement of five (5) meters from each building and from the boundary lines of the lot.

(c) Construction of other structures on swamp or other water clogged areas classified as "BUILDABLE AREAS" in the Zoning Ordinance shall secure Permits and comply with the requirements of the proper government agency.

SECTION 7. - **PENALTIES.**

- a) The owner or operator of building or structure who violates this ordinance shall be fined TWO THOUSAND FIVE HUNDRED PESOS (₱2,500.00) and order to correct the defect or violation. If after three (3) months, due notice has been served, the defect of the structure is not yet corrected, the whole building or structure shall be demolished at the expense of the owner.

- b) Contractors, Architects and/or Engineers of the buildings constructed in violation of this ordinance shall be fined TWO THOUSAND FIVE HUNDRED PESOS (₱2,500.00) for every building or structure constructed under their supervision shall likewise be penalized, or an imprisonment of not more than six (6) months or both at the discretion of the court.

SECTION 8. - This ordinance amends, modifies and/or repeals the provisions of all other ordinances and resolutions in consistent with it.

SECTION 9. - This ordinance is a modification of Resolution No. 045, series of 1996 and shall take effect immediately upon its approval.

**IMPLEMENTING RULES:**

- 1) Identify and establish markers in "NO BUILD AREA".
- 2) To make an inventory of all existing structures in "NO BUILD AREA".
- 3) The Municipal Engineer or any authorized representative will monitor the status of existing structures in "NO BUILD AREA".

**APPROVED.** AUGUST 22, 1996.

CERTIFIED TRUE COPY:



**CONCORDIA S. ALCANTARA**

Secretary to the Sangguniang Bayan

