



Republic of the Philippines
Province of Bohol
MUNICIPALITY OF LOON

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE 89TH REGULAR SESSION OF THE 8TH SANGGUNIANG BAYAN OF LOON, PROVINCE OF BOHOL HELD ON THE 17TH DAY OF MARCH 2003 AT THE SANGGUNIANG BAYAN SESSION HALL-

PRESENT : Hon. Raul P. Barbarona, Vice Mayor, Presiding Officer
Hon. Clovis L. Nazareno, SB Member
Hon. Fortunato N. Garay, SB Member
Hon. Cesar R. Pedrigal, SB Member
Hon. Zenon R. Perez, SB Member
Hon. Hermenegildo M. California, SB Member
Hon. Nicolas M. Labastilla, SB Member
Hon. Leticia M. Maratas, SB Member
Hon. Allan Rey M. Palban, SKMF President, Ex-Officio Member

ABSENT : Hon. Titus Clark U. Miranda, SB Member (on leave)
Hon. Edwin R. Ladeza, LnB President, Ex-Officio Member

MUNICIPAL ORDINANCE NO. 03- 002
Series of 2003

A COMPREHENSIVE MUNICIPAL CODE PROVIDING FOR THE SUSTAINABLE MANAGEMENT, DEVELOPMENT AND CONSERVATION OF THE MUNICIPAL WATERS AND ITS COASTAL RESOURCES, HARMONIZING AND INTEGRATING ALL ORDINANCES PERTINENT THERETO AND FOR OTHER PURPOSES –

(Author/Sponsor Vice-Mayor, Atty. Raul P. Barbarona)

Whereas, the Philippine Constitution protects and advances the rights of the people to balanced and healthy ecology in accord with the rhythm and harmony of nature;

Whereas, the Local Government Code of 1991 has devolved the management of the municipal waters and its coastal and fishery resources to the municipal government;

Whereas, the Philippine Fisheries Code of 1998 mandates all coastal municipalities to enact ordinances that will address the sustainable management, utilization, development and conservation of the municipal waters and its coastal and fishery resources;

Whereas, this Sangguniang Bayan is convinced of the need to enact a basic municipal fisheries ordinance;

NOW, THEREFORE, the 8th Sangguniang Bayan of Loon, Bohol in session assembled DO HEREBY ORDAIN, that:

Section 1 Title. – This ordinance shall be known as the COASTAL RESOURCE MANAGEMENT CODE OF LOON, BOHOL.

Article I
Declaration of Policy and Definition of Terms

Section 2. Declaration Of Policy. –

It is hereby declared the policy of the municipality to:

1. Conserve coastal and fishery resources and, in the process, ensure sustainable and equitable utilization of its coastal areas and resources in conformity with the Philippine Fisheries Code of 1998.
2. Ensure the judicious and wise utilization, protection, conservation and management on a sustainable basis of its coastal and fishery resources with the necessity of maintaining a sound ecological balance and protecting and enhancing the quality of the environment.
3. Protect the rights of the small and marginal fisherfolks in the preferential use of communal coastal and fishery resources.
4. Allow people's full and active participation in the conservation and management of the coastal and fishery resources and promote awareness of sustainable fisheries through appropriate education and training.
5. Provide full support for sustainable fisheries in the municipal waters through appropriate technology and research, adequate financing, production and marketing assistance and other services.
6. Allow the private sector to utilize resources under the basic concepts that the grantee, licensee or permittee thereof shall not only be privileged beneficiary of the municipality, but also an active participant and partner of the municipal government in the management, development, conservation and protection of the fisheries and coastal resource of the municipality.
7. Promote and adhere to the precautionary principle of conservation, management and exploitation of living coastal and fishery resources in order to assure the sustainable development of the coastal environment. The absence of adequate scientific and technical information should not be used as a reason for postponing or failing to take conservation and management measures.

Section 3. Application Of Its Provisions. –

The provisions of this Code shall be enforced in, and applied to:

1. All the municipal waters, as defined in this ordinance;
2. All fishery resources in the municipal waters;

3. All fishery activities or business relating to the use, development, conservation and management of the municipal waters and its coastal and fishery resources; and
4. All persons, entities or corporations that use and/or intend to use the coastal or fishery resources of the municipality.

Section 4. Definition Of Terms. –

As used in this ordinance, the following terms and phrases shall mean as follows:

1. *Aquaculture* - fishery operations involving all forms of raising and culturing fish and fishery species in fresh water, brackish and marine water areas.
2. *Aquatic/coastal pollution* – the introduction of substances by human or machine, directly or indirectly, to the coastal environment which result or likely to result in such deleterious effect as to harm living and non – living fishery and coastal resource; pose potential and/or real hazard to human health; hindrance to coastal activities such as fishing and navigation, including dumping/disposal of waste and other marine litter; discharge of petroleum, and other radioactive, noxious or harmful liquid, gaseous or solid substances, from any water, land or other human-made structures. Deforestation and unsound agricultural practices such as the use of banned chemicals and excessive use of chemicals, intensive use of artificial fish feed, and wetland conversation, which cause similar hazards and deleterious effects, shall also constitute aquatic or coastal pollution.
3. *Beach seine* – locally known as *baling*, is a type of drag net of polyethylene, kuralon, or nylon netting with a bag or bunt flanked at both sides by two long wings. The head of the rope which is provided with or without floats is attached to the upper rim of the net. The foot rope is provided with stone, clay or lead sinkers. Bridle lines are extended to the wings and to which wooden or bamboo brails are attached. A pair of long towing ropes are tied and pulled by fishermen from the shoreline.
4. *Closed season* – the period during which the taking of specified fishery species by a specified fishing gear is prohibited in an area or areas in the municipal waters.
5. *Coastal area zone* – is a band of dry land and adjacent ocean space water and submerged in which terrestrial processes and utilization directly affect oceanic processes and utilization, and vice- versa; its geographic extent may include areas within a landmark limit of one (1) kilometer from the shoreline determined at high tide to include mangrove swamps, brackish water ponds, nipa swamps, estuarine rivers, sandy beaches and other areas within seaward limit of 200 meters isobath to include coral reefs, algal flats, seagrass beds and other soft bottom areas.
6. *Commercial fishing* – the taking of fishery species by passive or active gear for trade, business or profit beyond subsistence or sports fishing, to be further classified as:

Small-scale commercial fishing – fishing with passive or active gear utilizing fishing vessels of 3.1 gross tons (GT) up to 20 GT;

Medium-scale commercial fishing – fishing with passive or active gear utilizing vessels of 20.1 gross tons (GT) to 150 GT; and

Large-scale commercial fishing – fishing with passive or active gear utilizing vessels of more than 150 GT.

7. *Compressor, buso or hookah* – air system which uses no high pressure air tanks of the type worn on a diver's back. Instead, it uses a small air compressor which is located at the surface. It is commonly powered by a portable gasoline engine or electric motor, and the air is delivered to the diver via a floating air hose. With the hookah system, the diver has an unlimited and nearly "cost free" air supply which will only stop flowing when the engine or motor that powers the compressor ceases to operate.
8. *Coral* – marine animals, anthozoan and cnidarian coelenterates, consisting of polyps and the rigid skeletal structure they produce. The living animal with its skeleton and the skeleton alone are both referred to as coral. Included are members of the genus *Corallium*, characterized by a rigid axis of compact calcareous or horny spicules and represented by red, pink and white corals which are considered precious corals; the *Antipatharians*, characterized by a thorny, horny axis and represented by the black coral which are considered semi – precious corals, and ordinary corals which are neither precious nor semi – precious and usually characterized by the calcareous skeleton.
9. *Coral reef* – Geological features built by natural calcification and other deposits from corals and calcareous.
10. *Department* - shall mean Department of Agriculture.
11. *Dive boat* – refers to boats hired for a fee or provided by dive shops to convey divers to and from the dive sites
12. *Drag fishing technique* – any type of fishing method that causes the net and all that is attached to it to be dragged, or towed or trailed under the bottom of the sea, or causes to scrape the seabed, with or without scaring device. (MO 1995-4)
13. *Electric shiner* - is a fishing boat equipped with electric lights with the use of an electric generator and other similar method with the use of electricity to produce lights that could attract, lure and trap the fish.
14. *FARMC* – shall mean Fisheries and Aquatic Resources Management Council.
15. *Fine-meshed net* – a net with net-webbing, whether made of natural fibers, synthetic or any other materials used in fishing, with a mesh size of less than three (3) centimeters when stretched.
16. *Fishing boat* – refer to all boats, such as bancas, sailboats, motor boats, or any other type of watercrafts, whether licensed or not, used for fishing purposes: provided, that any such boat used for the purpose of transporting fish from the fishing grounds to the market in the course of fishing operations shall be considered as fishing boats. (MO 1995-4)
17. *Fish cage* – any method of culturing fin fish in a fish enclosure which is either stationary or floating, made up of nettings or screen sewn or fastened together and installed in the water with opening at the surface and held in place by wooden posts or various anchors and floats.

18. *Fish corral* – a stationary weir or trap devised to intercept and capture fish consisting of rows of bamboo stakes, plastic nets and other materials fenced with split bamboo matting or wire matting with one or more enclosures, usually with easy entrance by difficult exit, and with or without leaders to direct the fish to the catching chambers, purse or bags.
19. *Fisheries* – refers to all activities relating to the act or business of fishing, culturing, preserving, processing, marketing, developing, conserving and managing fishery resources.
20. *Fishery license* – a document that qualifies a person/cooperative/partnership/corporation to engage in any fishery activities in the municipal waters.
21. *Fisherfolks* – people directly, or personally and physically engaged in taking and/or culturing and processing fishery/coastal/marine resources.
22. *Fisherfolk organization* – an accredited organized group, association, federation alliance or institution of fisherfolks which has at least 15 members, a set of officers, a constitution and by-laws and having an organizational structure and programs of action.
23. *Fishery and marine resources* – include not only finfish but also mollusks, crustaceans and the use of fishing vessels.
24. *Fishing* – the taking of fishery species from the wild state or habitat, with or without the use of fishing vessels.
25. *Fishing equipments/paraphernalia* – refer to all fishing gears and fishing boats and all articles, instruments and tools used in the fishing operation. (MO 1995-4)
26. *Fishing gear* – any instrument or device and its accessories utilized in taking fish and other fishery species. It can be either of the following:
 - Active fishing gear* – fishing gear characterized by active movement and/or pursuit of the target species by towing, lifting, and pursuing the gears surrounding, covering, dredging, pumping and scaring the target species to impoundment or encirclements, such as, but not limited to, trawl, purse seines, Danish seines, bagnets, pushnets, castnets, harvesting machines, beach seines, *pa-aling*, drift gill net and tuna long line.
 - Passive fishing gear* – is characterized by the absence of gear movement and/or the pursuit of the target species such as, but not limited to, hook and line, fishpots, traps and gill nets across the path of the fish.
27. *Fishing vessel* – any vessel, boat, ship or other watercraft equipped to be used for taking of fishery species or aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preservation, supply, storage, refrigeration, transportation and processing.
28. *Fish worker* – a person employed in commercial fishing and related industries, whose income is either in salary, wages, or profit sharing in a stratified sharing basis, including those working in fish pens, fish corrals, fishponds, etc.

29. *Gratuitous permit* – a permit issued to marginal and subsistence municipal fisherfolks free of any charges.
30. *Lawag* – is a rectangular type of tuck seine net consisting of pull ropes, wing, body and bunt. It is made of synthetic twine and converted into huge deep fine net during hauling and loading. It is pulled out in an arc of a circle around the school of light-attracted fish (, including anchovy locally known as *bolinaw*,) and hauled on one or more boats by pulling the pull ropes attached to the lower half of the fine net.
31. *Liba-liba or Hulbot-hulbot* – refers to a fishing gear consisting of a conical-shaped net with a pair of wings, the ends of which are connected to ropes with buri or coconut leaves strips, plastic strips or any similar materials to serve as scaring device with or without hauling ropes to a weight (*linggote*) when hauled into a fishing boat.
32. *Mangroves* – a community of intertidal plants including all species of trees, shrubs, vines and herbs on coast, swamps, or border of swamps.
33. *Marine sanctuary* – a designated area within the municipal waters where fishing and other human activities are prohibited.
34. *Monitoring* – for monitoring fisheries, this may include long-term observation of: 1.) fishing effort which can be expressed by the number of days or hours of fishing, fishing gears and number of fisherfolks; 2.) characteristics of fishery resource; and 3.) resource yields or catch.
35. *Municipal fisherfolks* – persons who are engaged in municipal fishing and/or fishing within the municipal waters.
36. *Municipal fishing* – refers to fishing using fishing vessels of three (3) gross tons or less or fishing not requiring the use of fishing vessels within fifteen (15) kilometers distance from the shoreline.
37. *Municipal government* – refers to the municipal government of Loon, Bohol.
38. *Municipal waters* – include not only streams, lakes, inland bodies of water and tidal waters within the municipality which are not the subject of private ownership and not included within the national parks, brackish water fishponds leased by the government, and national fishery reserves, refuge and sanctuaries but also marine waters included between two lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline including offshore islands and 15 kilometers from such coastline. Where two municipalities are so situated on opposite shores such that there is less than thirty (30) kilometers of marine waters between them, the third line shall be a line equidistant from the opposite shores of the respective municipalities.
39. *Non-government organization (NGO)* – refers to an agency, institution, a foundation or a group of persons whose purpose is to assist peoples' organizations/associations in various ways including, but not limited to, organizing, education, training, research and/ or resource accessing.
40. *Palakaya* – or baby trawl, is a fishing gear operated by a fishing boat of less than 3 gross tons. It is similar to a beach seine consisting of a pocket net and/or wing net,

rope and buoy. A flapper is attached to the pocket net to prevent the escape of entrapped fish. It is operated by being towed, trailed, or trawled in the seabed to capture fish or other aquatic products.

41. *Overfished area* – an area within the municipal waters which cannot sustain the fisheries. It can be due to any of the following types of overfishing: (i) too much harvesting in such a way that the mean size of fish captured is suboptimal for providing effective yields from a fishery; (ii) intense fishing pressure by which the process of fishery restocking through reproduction and resettlement is impaired; (iii) shift in community structure from fishery dominated by valuable species to one dominated by species of less economic value or utility; and (iv) when resource users faced with declining catches and lacking any other alternative, initiate wholesale resource destruction in their effort to maintain their incomes.
42. *People's organization* – a bonafide and duly accredited association of citizens with demonstrated capacity to promote the public interest and with identifiable leadership, membership and structure. Its members belong to a sector/s in the community who voluntarily band themselves together to work for their own upliftment, development and greater good.
43. *Permit* – a document issued to license holders before engaging in fishing using particular gear and/or boat or engage in any fishery activities within the municipality.
44. *Persons* – natural or juridical entities such as individuals, associations, partnership, cooperatives corporations.
45. *RA 8550* – Republic Act No. 8550, otherwise known as the Philippine Fisheries Code of 1998. It is the national law that governs the management and conservation of the fishery resources of the country.
46. *Scaring device* – a device made up of a stone, pole, rope with styrofoam, bamboo, buri and coconut leaves strips, plastic strips, and other materials, or any object or mechanism used to frighten species of fish into the fishing net or trap. (MO 1995-4)
47. *Tagum-tagum or Kujog* – refers to the fry or offspring of siganid locally known as *danggit* or any of its kind, genus or family, the length of which does not measure more than one inch from head to tail.
48. *Trawl* – a method of fishing using a large conical net dragged along the sea bottom in gathering fish or other marine life. Trawl fishing shall include, but not limited to, those with such local names of fishing types as palakaya, kubkub, and other types which may be defined as trawl fishing according to the issuances of the Bureau of Fisheries and Aquatic Resources (BFAR) or with the use of other fishing gears which have the same effect as trawl fishing.

Article II Municipal Waters

Section 5. Territorial Boundary. –

Pursuant to the Local Government of Code of 1991, the Philippine Fisheries Code of 1998 and as defined in this ordinance, the territorial boundary of the municipality shall include the municipal waters which shall be within the geographic

coordinates as shall be determined by the National Mapping Resource and Information Authority (NAMRIA), as approved by the Department of Environment and Natural Resources (DENR). Such geographic coordinates shall become integral parts of this Section.

Section 6. Jurisdiction Of The Municipal Government. –

The municipal government shall have jurisdiction over the municipal waters. The municipal government shall be responsible for the management, conservation, development, protection, utilization and disposition of all coastal and fishery resources within the municipal waters. The municipal government, in consultation with the FARMC, shall enact corresponding ordinances and issue executive orders thereon: *Provided*, That all ordinances enacted and executive orders issued by the municipal government shall conform with the existing national and local laws and policies and shall not endanger the sustainability of the coastal and fishery resources or destroy the ecological balance: *Provided*, however, That the municipal government, in coordination with the FARMC and other concerned agencies and institutions, shall also enforce all fishery and environmental laws, rules and regulations, as well as coastal and fishery resources–related ordinances enacted by the Sangguniang Bayan.

Section 7. Zonation Of The Municipal Waters. –

The municipal waters shall be designated into the following zones:

Zone 1 or Multiple Use Zone – an area intended for multiple use where fishing is allowed but types of fishing gear and kinds of fishing may be regulated pursuant to the provisions of this Code for sustainable use.

Zone 2 or Rehabilitation Zone – an area for the rehabilitation of damaged habitats where fishing is allowed but limited. Other human activities or access to the area may be allowed, but with limitations, such as mangrove reforestation and the like.

Zone 3 or Trade and Navigation Zone – an area intended for maritime commerce or navigational lane.

Zone 4 or Tourism and Recreational Zone – an area intended for tourism and recreation.

Zone 5 or Protected Zone – an area intended for marine or fish sanctuaries (no-take areas), mangrove reserves, and other areas where human activities or access may be restricted.

Zone 6 or NIPAS Zone – an area covered by the National Integrated Protected Areas System (NIPAS).

Section 8. Public Beaches In The Municipality. –

All beaches within the territorial jurisdiction of this municipality are hereby declared public beaches. No person shall use any portion of public beaches within this municipality exclusively for himself and for others by enclosing it with any kind of fence or structures, thus preventing or obstructing the public from its use or for easement purposes. Otherwise, any violator shall be punished with a fine of not less than One Thousand Five Hundred Pesos (P1,500.00) nor more than Two Thousand Five Hundred

Pesos (P2,500.00) or imprisonment of not less than six months, or both such fine and imprisonment at the discretion of the court. In addition, the structures will be demolished at the expense of the violator and if the violator is operating a business related to the structures constructed, the permit or franchise and other privileges shall be revoked or cancelled (MO 1996-4, amended)

Section 9. Use Of The Municipal Waters. –

The municipal waters shall be reserved for municipal fisheries: *Provided*, That other activities, such as, but not limited to, research and monitoring activities may be allowed under appropriate regulations, for purely research, scientific, technological and educational purposes.

Section 10. Users Of The Municipal Waters

All fisheries and coastal related activities in the municipal waters, subject to existing laws and regulations, shall be utilized by the registered municipal fisherfolks and their organizations and cooperatives duly accredited by the Sangguniang Bayan; *Provided*, That registered municipal fisherfolks from other municipalities, but not more than three (3) percent of the total number of registered resident municipal fisherfolks, may be allowed to use and exploit the coastal and fishery resources of the municipality, subject to existing national and local rules and regulations; *provided, however*, that municipal fisherfolks from other municipalities shall pay double the amount of prescribed fishery license and permit fees; *provided, further*, that no commercial fishing vessel is allowed to operate within the municipal waters. However, municipal fishing vessels with gross tonnage of 2.5 to 3 tons shall be allowed to conduct fishing operations only between 8 to 15 kilometers from the coast of the mainland or any of the islands in the municipality.

Section 11. Registry Of Municipal Fisherfolks. –

The Municipal Government shall maintain a registry of municipal fisherfolks for the purpose of determining priorities among them, of regulating and limiting entry into the municipal waters, and of monitoring fishing activities and for other related purposes; *Provided*, That such list or registry shall be updated annually or as often as may be necessary, and shall be posted in barangay halls or other strategic locations where it shall be open to the public, for the purpose of validating the correctness and completeness of the list; *Provided, however*, That the Municipal Government, in consultation with the FARMC or upon the latter's recommendation, shall formulate the necessary mechanisms for inclusion or exclusion procedures that shall be most beneficial to the resident municipal fisherfolks. *Provided furthermore*, that no registration fee shall be imposed in the registration of fisherfolks to ensure the registration of all fisherfolks. The CRM officer shall be responsible for the conduct of the census and registration of fisherfolks. The registered municipal fisherfolks and their organizations and cooperatives shall have priority to exploit municipal and demarcated fishery areas of the municipality. (MO 1998-07) The Municipal Government shall maintain a registry of municipal fishing vessels, type of gears and other boat and fishing particulars.

Article III Utilization and Exploitation of Fishery Resources

Section 12. Preferential Treatment To Municipal Fisherfolks And Their Organization In The Grant Of Exclusive Fishery Privileges. –

The duly registered and accredited organizations, cooperatives of municipal fisherfolks, and peoples' organizations, which have municipal fisherfolks comprising the majority of members shall have preference in the grant of exclusive fishery privilege by the Sangguniang Bayan. Such grant shall be guided by the following procedures:

- a. The Sangguniang Bayan shall post in the municipal hall and in at least two (2) other strategic places for a period of not less than fifteen (15) days, a notice to fisherfolks' organizations or cooperatives to apply for the exclusive fishery privileges in areas or zones of the municipal waters available for the erection of fish corrals, oyster beds, taking or catching bangus fry or fry of other species for propagation and other activities as may be hereinafter defined. The notice shall also be posted in at least two (2) conspicuous places in every coastal barangay indicating therein the amount the minimum bid of the exclusive fishery privilege.
- b. Should two (2) or more groups signify their intent to avail OF the exclusive fishery privilege, the Sangguniang Bayan shall accommodate them, if possible. If this should not be possible, the Sangguniang Bayan, in consultation with the FARMC, shall draw up guidelines to resolve the matter amicably. Otherwise, the exclusive fishery privilege shall be given to the highest bidder during the bidding to be conducted.
- c. Only when no organizations have signified their intent to avail OF the privilege, or the failure of the grant for exclusive fishery privilege to the organization, shall individual persons be allowed to participate in a public bidding. *Provided*, however, that interested bidders should be registered fisherfolks of the municipality. The Sangguniang Bayan shall in a resolution provide for a notice calling for sealed bids for the exclusive privilege specifying the time and place for the auction, the amount to be deposited before an applicant is entitled to participate, the procedure to be followed, and the bond as guarantee of good faith and for satisfactory compliance with the terms and conditions for the lease or grant. The bond shall be in cash or real estate situated within the Philippines or by surety company authorized for that purpose in an amount not less than the authorized minimum bid. (Sec. 11, M.O. 1959-4)
- d. The organization or cooperative of the municipal fisherfolks shall be given the privilege to pay the equal amount of the highest bid within a reasonable period of one (1) month, and in such case, the organization or cooperative shall be declared the winning bidder.
- e. The Sangguniang Bayan, through a resolution, shall award the exclusive fishery privilege after the lapse of one month as above-mentioned.
- f. The winner in the public bidding shall pay the amount of the exclusive fishery privilege to the municipal government, through the office of the municipal treasurer.

Section 13. Limitation On The Grant Of Exclusive Fishery. –

The following limitations shall be strictly followed:

1. The exclusive fishery privilege shall be binding and valid for one (1) year.
2. The exclusive fishery privilege shall not be sub-contracted or sub-leased, in whole or in part.
3. The members of the fisherfolk organizations or cooperatives, whose household are already in possession of any exclusive fishery privilege, other than for fish capture, cannot enjoy the exclusive fishery privilege granted to the organization or cooperative.

Section 14. Grounds For The Cancellation Of The Exclusive Fishery Privilege. –

The following are the grounds for the cancellation of the exclusive fishery privilege:

1. Construction and fishing operations outside of the designated area in the municipal waters;
2. Violation of any fisheries and environment-related ordinance;
3. Use of dummies;
4. Failure to comply with national laws, rules and regulations; and
5. When public welfare so requires as deemed by the municipal government, in consultation with the FARMC.

Provided, That a voluntary written request to forego the exclusive fishery privilege by the holder is a sufficient ground for the cancellation of the privilege.

Section 15. Duties And Responsibilities Of Licensees, Permittees, And Holders Of Exclusive Fishery Privileges. –

All licensees, permittees and exclusive fishery privilege holders shall be governed by existing laws, orders, rules and regulations governing coastal and fishery resources and shall:

1. Take precautions as may be necessary to prevent destruction to the coastal and fishery resources and habitat and the municipal waters, and to ensure environmental protection at all times.
2. Assume responsibility for the use of fishing boat and any or all acts of his/her agents, such as employees or laborers, including those of contractors connected with his/her fishing operations, or in the establishment, management, or operation of the contract or during the fishing expedition, such as transport and or possession of dynamite, cyanide and other poisonous or noxious substances, as well as any fish caught through unlawful means;
3. Keep and submit all records and reports of transaction in connection with the license, permit or lease within ten days of each month, a monthly report, in triplicate, showing the kind, quantity and value of the fish caught during the month, or in such other format as may be required by the terms and conditions of the license and as may be required by law (Sec. 13a, MO 1959-4);
4. Allow or render assistance to any law enforcer for purpose of inspection, searching and examining any person, document, records and places of operations including storage areas, auxiliary boats or goods aboard the boat;

5. Vacate the area covered by the fishery privilege, upon expiration or cancellation of the privilege or as directed by authorized municipal officials based on reasonable grounds.
6. Clear, remove, destroy or demolish any debris, material, structure or gear, placed or constructed on the vacated area or site of the fishery privilege, upon expiration or cancellation of the privilege.
7. Abide with all the provisions of this ordinance and all other related implementing rules and regulations that may be issued after the enactment of this ordinance.

Article IV

Management, Development and Conservation of Fisheries and Aquatic Resources

Section 16. Designation Of Closed Season In The Catching And Gathering Of Siganid, Locally Known As *Danggit*. –

There is hereby designated a closed season in the catching and gathering of siganid species locally known as *Danggit* during the period of the 3rd - 4th and– 5th rising of the new moon. For this purpose, the pocket net of all fish corrals shall not be installed during this period.

Section 17. Prohibition Against The Catching And Gathering Of Siganid Fry, Locally Known As *Kujog Or Tagum-Tagum*. –

No person, natural or juridical, shall catch siganid fish fry locally known as *tagum-tagum* or *kujog* through the use of any fishing device or in whatever manner of catching the same. The selling and possession of the said fish fry is also prohibited within the territorial jurisdiction of this municipality. Any person, natural or juridical, who violates this prohibition shall be imprisoned for thirty (30) days or be fined in the sum of One Thousand Pesos (P1,000.00), for the first offense; One Thousand and Five Hundred Pesos (P1,500.00), for the second offense; and Two Thousand Pesos (P2,000.00) and confiscation of fish caught and fishing paraphernalia, for the third offense, or both, at the discretion of the court. If the violator hereof is a partnership, all the partners hereof shall be held equally liable; if the violator hereof is a corporation, the president, chairman or manager of said corporation shall suffer the penalties herein provided for. (Sec. 3, MO 1972-2)

Section 18. Limited Entry Into Over Fished Areas. –

Whenever a particular area in the municipal waters is being over fished or in danger of being over fished, based on available data or information, the Sangguniang Bayan, in consultation with the FARMC, shall enact an ordinance prohibiting or limiting fisheries activity in the said waters.

Section 19. Management Of Marine Sanctuary. –

1. Marine sanctuaries will be established with copious amount of information, education and communication with the local community and only if the local community are really interested and show full support for the activity.
2. The objectives of the establishment of the sanctuary in the municipality are: 1) To protect and manage the coastal and fishery resources to ensure their

- sustainable use, for the enjoyment and benefit of its people and future generations, and to establish the means to enforce, control and regulate the activities of visitors, tourists, divers, snorkelers, swimmers, boats and other resource users within the sanctuary and in accordance with approved management plans and ordinances.
3. A multi-sectoral Sanctuary Management Board shall be created, empowered and funded as part of the sanctuary management plan ordinance in order to ensure proper and responsible planning, management and enforcement of the Marine Sanctuary. The members of the board will be composed of the Barangay Captain and seven Barangay Council Members, and equal number of representatives of the Barangay Fisherfolks Association, and other interested parties, as may be determined by the Sangguniang Bayan.
 4. The Sanctuary Management Board shall meet monthly and organize the following committees: Information, Education and Communication Committee, Enforcement and Guarding committee, Monitoring and Evaluation Committee, Finances Committee, Planning Committee. The management board may organize other committees that may be deemed necessary.
 5. Within one year of effectivity of this ordinance, the Sanctuary Management Board shall submit a five-year Sanctuary Management Plan to the municipal government. No Sanctuary Management Plan shall be implemented until it is approved by the Sangguniang Bayan, in consultation with the MFARMC.
 6. A regular maintenance budget for the sanctuary shall be allocated annually by the Barangay and the Municipality of not less than Fifteen Thousand Pesos (P15,000.00) for the maintenance and upgrading of the marine sanctuary and for other activities necessary for the operation of the sanctuary, which will be laid down in the management plan.
 7. For purposes of guarding, the Sanctuary Management Board shall assign Sanctuary Caretakers alongside the Barangay Tanods to be in charge of guarding during the day and night of the sanctuary. Any resident may, upon seeing an illegal act, conduct a citizen's arrest and turn over the suspects to the Municipal Police Office of the PNP for immediate filing of the case in the appropriate court. The barangay tanods and sanctuary caretakers shall protect the integrity of the evidence, including the apprehended fishing paraphernalia, for presentation to support the case.
 8. The Municipal Government, in coordination with the concerned Sangguniang Barangay, Municipal FARMC and concerned peoples' organizations, shall manage the marine sanctuaries established by the municipality. *Provided*, That fishing and other human activities are prohibited in the sanctuary: *Provided, however*, That scientific and educational activities shall be allowed inside the sanctuary for monitoring and other related purposes, only if written permission is obtained from the municipal government and the research data both raw and processed are passed to the municipal government and barangay officials and the sanctuary management board.

Section 20. Prohibited Activities In The Marine Sanctuaries. –

A. GENERAL PROHIBITIONS IN CORE ZONE

- 1) It is unlawful for any person or group of persons to fish or gather any marine life in the area of the sanctuary
- 2) No person shall be allowed to establish a fish coral or bungsod within the 200 meters distance from the sanctuary.
- 3) All fishing activities, including any destructive and extractive activities, are prohibited within the designated core zone of the marine sanctuary. The core zone will be marked with blue buoys and signboards. Prohibited activities include but are not limited to the following activities:
 - a) Hookah diving
 - b) Spear fishing
 - c) Fishing with any type of net and / or fishing gear
 - d) Gathering, collection and/or destruction of any type of marine life
 - e) Use of boat anchors
 - f) Swimming and recreational activities, without prior permission from the Barangay Captain and Management Committee
 - g) Other activities which are determined to be destructive by the Sanctuary Management Board.
- 4) Use of motorized and non-motorized boats, including wave runners or jet skis, within the marine sanctuary areas, except in cases of "force majeure".
- 5) Disposal of solid or liquid wastes within the designated waters of the Marine Sanctuary and Buffer Zone.

B. GENERAL PROHIBITIONS IN THE BUFFER ZONE

1. All fishing, destructive and extractive activities are prohibited within the designated buffer zone of the marine sanctuary. However, small fisherfolks from the Barangay may use hook and line fishing with no more than 15 hooks. Other fishing gears are not allowed in the buffer zone around the sanctuary. The Buffer Zone will be marked by the outer set of white buoys and signboards.
2. No recreation activities may be conducted in the area, however, motorized and non-motorized boats may be allowed to pass through the area, only under the condition that their engines will be decelerated to a minimum and that these boats are not towing any kind of fishing gear.
3. No anchors will be allowed within the buffer zone of the sanctuary.
4. A total ban on diving or snorkeling within the sanctuary is hereby declared, except for study purposes only.
5. No boat of any kind will be allowed to pass or drop anchorage in the sanctuary and within the ten (10) meter buffer-zone/marine reserve.
6. At the buffer-zone, only the following passive fishing gears be allowed: pangal, pasol and spear fishing (Pana) without scuba/diving equipment or compressor.

C. EXEMPTIONS:

- a) Only barangay residents may fish or glean within the area known as Buffer-Zone. This will ensure the equitable benefit of the sanctuary to be mainly

distributed to those residents who guard and ensure the continuity of the sanctuary.

- b) Any person wishing to conduct a scientific study of the area may do so only after having secured a written authorization from the Mayor and upon consultation with the MFARMC and Barangay residents where the sanctuary is situated and after payment of a permit fee of One Hundred (P100.00) pesos per study, provided, the researcher will furnish a copy of their findings to the municipality.

Section 21. Opening Of Buffer Zones For Recreation Activities. –

The buffer zone of a particular sanctuary may be opened for diving upon recommendation of the sanctuary management board and approval of the Sangguniang Bayan.

Divers in buffer zones which are declared open for recreation activities may be allowed entry upon presentation of diving tickets issued by the municipal treasurers office. However, the number of divers shall be limited so as not to disturb the fish species in the marine sanctuary, subject to the following prohibitions:

- A. Wearing of gloves by any users within the fish or marine sanctuary;
- B. Entry of unregistered and non-accredited owner/operators of motorized boats;
- C. Spear fishing or any other kind of fishing activity;
- D. Collection or destruction of marine life;
- E. Boating, wave running or jetskiing within the sanctuary; and

The divers and dive-boat will also be inspected prior to diving in the buffer zone of any sanctuary.

Section 22. Revenue Sharing For Fees Collected For The Use of Marine Or Fish Sanctuaries (Buffer Zone). –

Revenues generated from the fees and penalties after deducting all expenses shall be shared by the people's organization managing the sanctuary, the barangay and the municipal government in the following manner.

- A. Sixty percent (60%) of the fund to the municipality;
- B. Twenty percent (20%) of the fund to the barangay
- C. Twenty percent (20%) of the fund to the people's organization

Section 23. Management Body Of The Sanctuary. –

The municipal mayor shall have full control and supervision in the planning, administration and management of each of the fish or marine sanctuaries in the municipality; however, a management body is hereby created to assist the municipal mayor in the above-mentioned responsibilities, composed of a Project Director (PD), Business Development Office (BDO), Community Relations Officer (CRO) and duly assisted by a secretariat. It is highly recommended that the PD and CRO should be residents of the barangay where the fish or marine sanctuary is located.

The Municipal Mayor may enter into a management agreement with any existing fisherfolk organization in the barangay for the management of the fish sanctuary.

An advisory group, whose primary purpose is to provide technical inputs and other advices for the management of the sanctuary, is likewise hereby created. It shall be composed of the following, to wit:

1. Sangguniang Barangay Representative
2. Sangguniang Bayan Representative
3. DENR Representative
4. MFARMC Representative
5. BFARMC Representative
6. DA / BFAR / MAO Representatives
7. DOT / PTA Representatives
8. Resort Owners Representative
9. Pumpboat Operators Representative
10. Dive Shop Owners Representative
11. Fisherfolk Organization Representative
12. Police Chief
13. PNP Maritime Command-Representative
14. Sangguniang Kabataan Representative
15. Women's Association Representative
16. HEAD OF PCG, PCGA & PCSSD
17. Chief Of Municipal Fish Warden

Section 24. Mangrove Protection And Conservation. –

The municipal government, in coordination with the Department of Environment and Natural Resources (DENR), the FARMC and the people and their organizations, and other concerned institutions in the adjacent barangays where mangroves are located, shall initiate proper management of mangrove areas; *Provided*, that the municipal government, in coordination with the DENR, shall develop programs that promote and ensure community participation in the rehabilitation and management of existing mangrove areas.

Section 25. Regulations On Construction And Operation Of Fish Corrals. –

The municipal government, in consultation with the FARMC, shall regulate the construction and operation of fish corrals in the municipal waters; *Provided*, That no fish corral shall be constructed within two hundred (200) meters from another fish corral or marine sanctuary: *Provided, further*, That the tail of the fish corral shall not be more than 100 meters: *Provided, furthermore*, That the mesh size of the net of the fish corral shall not be less than 3 centimeters and shall be entirely lifted or opened during the designated closed season for the free passage of fish to enable a considerable number of spawner/breeders to reach their spawning grounds; nothing in the license shall be construed as permitting the licensee, grantee or permittee to obstruct the free navigation of any stream or water wherein the licensee. Lessee or permittee is granted a fishery privilege.

Fishing in any form, including *pana* or spearfishing, (*baling*), and the like, within the distance of fifty (50) meters from the frontage of any fish corral, and fish trap is strictly prohibited. To serve as guide or warning to all other fishermen, it is ordained that all fishtrap owners should plant or place a marker or markers in the frontage of their fishtraps. (Sec. 1a, MO 1963-1) Any person found violating the provisions of this ordinance shall be fined for not less than Two Hundred Pesos (P200.00) but not more than Five Hundred Pesos (P500.00) or an imprisonment of not less than five days but

not more than 20 days, or both such fine and imprisonment at the discretion of the court. (Sec. 1 & 2, MO 1960-12, amended)

Section 26. Protection Of Other Marine Habitats. –

The municipal government, in coordination with the FARMC, the barangay, and the people's organizations, shall ensure the protection and conservation of other marine habitats in the municipal water. The municipal government, in consultation with the FARMC, shall regulate the use of fishing gears and other human activities that may adversely affect the marine habitat.

Section 27. Coastal Aquaculture. –

The municipality shall consider coastal aquaculture as a means to promote diversification of income and preservation and conservation of coastal and fisheries resources; *Provided*, That the municipality shall ensure that resources are used responsibly and adverse impacts on the environment and on local communities are minimized; *Provided, however*, That coastal aquaculture development shall consider the genetic diversity and ecosystem integrity of the municipal waters; *Provided, further*, That the municipal government shall ensure that the livelihood of the people and their access to fishing grounds are not adversely affected: *Provided, furthermore*, That the municipal government shall establish effective procedures to undertake appropriate environmental assessment, monitoring and mitigation with the aim of minimizing adverse ecological changes and related economic and social consequences resulting from water extraction, discharge of effluents, use of chemicals, and other aquaculture activities.

Areas in the municipal waters that shall be opened for aquaculture activities shall not exceed ten (10) percent of the total area of the municipal waters and shall not occupy more than ten (10) percent of the municipal coastline.

Section 28. Regulation On Construction Or Installation And Operation Of Fish Cage. –

The municipal government, in coordination with the FARMC, shall regulate the construction and operation of fish cages in the municipal waters: *Provided*, That no fish cages shall be allowed outside of the designated areas, except for scientific and educational purposes; *Provided, however*, That the maximum size of fish cage shall be 36 square meters per module. Clusters of fish cages shall be constructed not less than 20 meters from each other. *Provided, further*, That no fish cage shall be constructed within one hundred (100) meters from the shoreline: *Provided, furthermore*, that no fish cage shall be constructed in designated navigational routes and in front of wharf.

Section 29. Registration Of Fish Hatcheries And Private Fishponds. –

All fish hatcheries, fish breeding facilities, and private fishponds must be registered with the municipal government which shall prescribe minimum standards for such facilities in consultation with the Department of Agriculture (DA) and MFARMC.

Section 30. Coastal And Aquatic Pollution. –

A) All activities in the land or waters, which result or likely to result in such deleterious effect which harm living and non-living aquatic resources, hazards to human health, hindrance to coastal or fishery activities such as fishing and navigation, including dumping/disposal of waste and other marine litter shall be prohibited: *Provided*, That it

shall be the responsibility of the polluter to contain, remove and clean up waste debris or pollutants at his/her own expense: *Provided, however,* That, in case of failure to do so, the municipal government, in coordination with other concerned agencies and institutions, shall undertake containment, removal and clean-up operations and the expenses incurred in said operation shall be charged against the person and/or entities responsible for such pollution.

B) Regulations For Operation Of Fishpond. For preventive measures and to minimize, if not avoid, poisoning of fish and destruction of its eggs and habitats, all fishpond and prawn pond operators and/or concessionaires are required to construct a dump pit for chemical wastes disposal. The municipal agriculture office shall monitor the implementation of this regulation.

Failure to provide a dump pit is a ground for the revocation of the municipal permit to operate a fishpond. In addition to the revocation of permit, any person or persons violating the foregoing provision shall be meted the penalty of fine in the amount of Two Thousand Five Hundred Pesos (P2,500.00) or imprisoned for not less than six months or both at the discretion of the court. In case of juridical persons, the officers and the manager shall be held responsible and shall suffer the penalty prescribed under this section.

C) Factories and business establishments operating in the municipality are only allowed to dispose of garbage in duly designated and controlled areas; provided that factories shall provide a water treatment facility for the processing of waste water before the same may be disposed in the municipal sewage system. (MO 1997-10, amended)

Section 31. Maintenance Of Water Quality And Cleanliness. –

The municipal government shall maintain the quality of the water at the optimal level relative to natural productivity and the cleanliness of the areas devoted for aquaculture development.

The operators and owners of aquaculture facilities shall develop a mechanism of proper waste disposal. Violation of this section may be a ground for the cancellation of the permit to operate aquaculture activities.

Section 32. Navigational Route. –

The municipal government, in consultation with the FARMC, shall designate the navigational routes of ferries and other fishing crafts and shall disallow any activity that shall obstruct the designated navigational route: *Provided,* That nothing in the foregoing provision shall be construed as permitting the lessee, licensee or permittee to undertake any construction which may obstruct free navigation of any stream, river, or water and impede water circulation such as the flow of tide to and from the area wherein the licensee, lessee or permittee is granted a fishery privilege.

Article V Fishery License

Section 33. Fishery License. –

No person shall exploit, occupy, produce, culture, capture or gather fish of any species and other fishery products, including seaweeds, and other marine products unless a permit or license has been secured from the Office of the Municipal Mayor.

All persons, cooperatives, partnerships, firms or corporations who are listed in the registry of municipal fisherfolks shall be issued fishery license, upon payment of the prescribed fee; *Provided, however,* that the fishery license is non-transferable; *Provided, further,* That the holders agree unconditionally to comply with all the laws, orders, policies, and rules and regulations governing fishing. The licensee shall also assume responsibility for any and all of his acts in fishing and fishery operations.

Section 34. Renewal Of Fishery License. –

The fishery license shall be renewed annually. The holder shall have sixty (60) days prior to the expiration of the license to renew.

Section 35. Licensing Procedures. –

Applicants for fishery license shall submit the following documents to the municipal agriculturist / municipal agricultural officer:

1. Duly accomplished application form;
2. Community tax certificate (for individual) or certificate of registration or certificate of accreditation (for organizations, cooperatives, partnership, firms of corporations);
3. Barangay clearance;
4. Certification as registered municipal fisherfolks; and
5. Other pertinent documents

The office of the municipal agriculturist / municipal agricultural officer, in consultation with the FARMC, shall recommend the issuance of the fishery license to the Municipal Mayor upon payment of the necessary fee.

Section 36. Schedule Of License Fee. –

License to exploit, occupy, produce, culture, capture or gather fish of any species and other fishery products, including seaweeds, and other marine products, in the municipal waters shall be granted by the municipal mayor upon payment of corresponding annual fees not exceeding those fixed by the municipal revenue code, except as otherwise provided by this ordinance or any ordinance of the Sangguniang Bayan. *Provided, however,* that registered fisherfolks from other municipalities who will be permitted to use the municipal waters of this municipality shall pay double the rate fixed therein. *Provided finally,* that no other fee shall be collected from the marginal fisherfolks for the grant of the municipal fishery license, notwithstanding any provisions of any ordinance to the contrary.

Section 37. Gratuitous Permit. –

The municipal government may issue gratuitous permits to municipal fisherfolks to exploit, occupy, produce, culture, capture, or gather fish of any species and other fisheries products in the municipal waters; *provided,* that government agency or institutions of learning may also be given gratuitous permit to engage in any fishery activities in the municipal waters for scientific or educational purposes, subject to the terms and conditions as may be imposed.

Section 38. Use Of Fish Aggregation Devices (FAD) In Municipal waters. –

A municipal permit should be secured first by any person or persons who desire to cast Fish Aggregation Device (FAD) to the sea. (Sec. 1a, MO 1956-14)

The municipal government shall designate certain zones (multiple use zones only) where Fish Aggregation Devices (FAD), including *payaw*, artificial reefs and the like, may be installed. These may only be applied for by barangay fisherfolk organizations of the municipality and are only for the use of hook and line fishing, spear fishing, and small fishing nets of municipal fishing vessels.

Each Fish Aggregation Device (FAD) must be clearly marked with its license number and the registered owner. The registered owner shall be responsible for the types of fishing used around the Fish Aggregation Device (FAD). The officers of the organization and any member who shall allow the operation of any prohibited fishing activities around the fish aggregation device will be held responsible for that fishing gear and will be included in the complaint as one of the accused in any legal action for violation of this provision. A waiver to this effect will be signed by each fisherfolk organization applying for the license for a fish aggregation device.

Owners of existing Fish Aggregation Device (FAD) who are registered fisherfolks of this municipality will be given a grace period of three months to register their devices or gears; otherwise, the same will be cut off or forfeited in favor of the municipality. A limitation of only three (3) Fish Aggregation Device (FAD) may be allowed to be retained by the existing private owners. Existing fish aggregation device owned by a non-resident of this municipality will be forfeited in favor of this municipality.

Section 39. Color Coding Of Fishing Boats. –

The municipal government shall designate a color to be painted (*patch*) at the bow as the IDENTIFYING color for all municipal fishing boats that will be operated in the municipality. (*Provided, that*) in addition to the color patch, the following letters shall be inscribed as letter code for each of the barangay where the fishing boat is docking or its owner is residing:

LETTER CODE	BARANGAY	LETTER CODE	BARANGAY
A	SONG-ON	B	TONTONAN
C	CUASI	D	TANGNAN
E	PIG-OT	F	BASDACU
G	LINTUAN	H	NAPO
I	COGON NORTE	J	BASAC
K	BIASONG	L	CANHANGDON OCCIDENTAL
M	UBAYON	N	CATAGBACAN SUR
O	CATAGBACAN NORTE	P	CATAGBACAN HANDIG
Q	CANTOMUCAD	R	PONDOL
S	CALAYUGAN NORTE	T	CALAYUGAN SUR
U	BASDIO	V	MOCPOC SUR
W	MOCPOC NORTE	X	SONDOL
Y	UBUJAN	Z	CANIGAAN
AA	TALISAY	BB	CABACUNGAN
CC	PANTUDLAN	DD	LOOC
EE	CAMBAQUIZ		

The municipal mayor may designate such other identifying marks for the purpose of identification and registration of boats.

Immediately after anchoring of any transient boat in the municipal waters of this municipality, it shall be the duty of the boat captain or operator to report personally to the Punong Barangay of the nearest coastal barangay and the office of the Municipal Treasurer for purposes of registering the name of the boat and the crew members and their residence, and the number of days the said boat will berth or anchor. The municipality may impose anchoring fees or such other fees for this purpose. (Sec. 2a, MO 1959-1, amended)

Any boat captain or operator who violates this provision shall be punished by a fine of not less than fifty pesos nor more than one hundred pesos or by imprisonment of not less than ten days nor more than thirty days or both such fine and imprisonment in the discretion of the court. (Sec. 3a, MO 1959-1)

Section 40. Bond For Aquaculture Operation. –

Those who wish to construct and operate any aquaculture facilities for commercial purposes shall deposit a bond to the municipal government. The bond shall be thirty (30) percent of the assessed value of the aquaculture facility and the species to be cultured.

Section 41. Dive Shops / Divers. –

A. Registration and Accreditation. Dive-shop owners, tour operators, travel agents and motorized-boat operators must register at the office of the mayor and secure the necessary mayor's permit. They shall also apply for accreditation and undergo an accreditation process for the purpose of orienting them on the existing programs on the conservation, protection, and maintenance of the integrity of the coastal and marine resources of this municipality, including the establishments of sanctuaries, as maybe determined by the office of the municipal mayor. Validity of the accreditation shall be for one (1) year and subject to renewal. Loon-based applicants are given preference.

B. Daily User's Fee. A daily user's fee shall be levied on those who shall use any part of the municipal waters, including any sanctuary, at the rates prescribed by existing ordinance or the municipal revenue code. Users who are filipino citizens are entitled to a patrimony discount of fifty percent (50%) of the rates prescribed. Provided, however, that filipino citizens shall enjoy the use of the other areas within the municipal waters without any fee.

C. Only registered and accredited dive shops/resorts may be allowed to purchase dive tickets from the municipality. Dive tickets shall be color-coded corresponding the amount of the ticket. The dive shops/resorts shall issue dive tickets to the divers before departure to the diving sites or sanctuary

D. Collection System. Divers and users of the sanctuary and other areas must present the prescribed tickets to the authorized collector before entering the buffer zone of the sanctuary and other areas. Only users with prescribed tickets, which may be secured in advance at the office of the municipal treasurer, are allowed to use the buffer zone of the marine sanctuary and other areas of the municipal waters. (MO 2002-007)

E. Penalty. Any violation of the provisions of this ordinance shall subject the offender to a fine not exceeding Two Thousand Pesos (P2,000.00) and/or imprisonment for a period not exceeding six (6) months or both such fine and imprisonment at the discretion of the court.

Section 42. Docking Fee Of Boats. –

Any boat, regardless of size and number of passengers, which anchors or docks in the dive sites, marine sanctuaries, and other protected areas of this municipality shall pay a fee of Fifty Pesos (P50.00) per day to the municipality. The boat shall anchor in the mooring bouys and shall not drop any anchor in the above-mentioned sites.

The municipality shall provide mooring bouys in the dive sites and the marine sanctuaries in order to implement the ban of anchors in the dive sites and sanctuaries. (MO 2000-03)

Section 43. Employment Of Life Guard. –

A) All proprietors, managers, or operators of beach resorts and diving or swimming resorts within the territorial jurisdiction of the municipality shall employ a professional and certified life guard to oversee and protect customers while bathing and swimming in the area adjoining their beach resort, or in the swimming pool or any body of water where their customers swim, dive, or bathe.

B) Life guard on duty during business hours – proprietors, managers, and operators of beach resorts and diving or swimming resorts shall assign and see to it that a professional and certified life guard is on duty during the entire business hours of said establishment and during the entire time that said place allows or does not prohibit the entry of customers; provided that, the employer shall determine the number of life guards to be employed by him to comply with the requirements of this section, and provided further, that the employer shall keep sufficient number of life jackets and life saving devices for the safety of the lives of its customers.

C) Penalty – any proprietor, manager, or operator of a beach resort or diving or swimming resort who violates any of the provisions of this ordinance shall be imprisoned for a period of not less than thirty (30) days nor more than six (6) months or be liable to pay a fine of not less than One Thousand Pesos (P1,000.00) but not more than Two Thousand Five Hundred Pesos (P2,500.00), or both such fine and imprisonment upon the discretion of the court.

Section 44. Funds For Coastal Resource Management. –

The municipal government shall allocate all revenues derived from the utilization and exploitation of the municipal waters to coastal resources management activities such as, but not limited, to law enforcement, livelihood program for fisherfolks, research, training and education.

Section 45. Share Of Barangays On Revenues Of The Municipal Government. –

The municipal government shall appropriate thirty (30) percent of all fees derived from the utilization and exploitation of the municipal waters to the corresponding coastal barangay where the activity or utilization is allowed: *Provided, however,* That the Municipal Government, within 60 days from the enactment of this Code, shall formulate

implementing rules and regulations of this section; *Provided, however,* That such share shall be remitted to the corresponding barangay before the end of each quarter.

Article VI Post-harvest Facilities, Activities and Trades

Section 46. Establishment Of Post–Harvest Facilities. –

The municipal government shall coordinate with the private sector and other concerned agencies and the FARMC in the establishment of post-harvest facilities such as, but not limited to, municipal fish landing sites, fish ports, ice plants and cold storage and other fish processing establishments to serve primarily the needs of the municipal fisherfolks.

Section 47. Municipal Fish Port Construction And Development. –

Municipal fish port development should be sited and designated in a manner that will minimize changes to existing water and sediment quality parameters such as salinity and temperature, dissolved oxygen, nitrogen, and sediment concentration; organic constituents and transparency of waters; *Provided,* That municipal fish ports and harbors should be placed in areas with the highest available flushing rate, and access channels should be designated to minimize adverse water circulation changes and creation of stagnant water column; *Provided, however,* That municipal fish ports and harbors should incorporate facilities which allow for effective waste disposal and erosion.

Section 48. Exportation And Importation Of Fish And Fishery Products. –

Export of fish and fishery products shall be regulated whenever such exportation affects the food security and production; *Provided,* that exportation of live fish shall be prohibited, except those which are hatched or propagated in accredited hatcheries and ponds: *Provided, however,* that spawners, breeders, eggs and fry of bangus, prawn and other endemic species, as may be determined by the Department, shall not be exported or caused to be exported by any person; *Provided, further,* that no person shall import fish and fish products of whatever size, stage or form, for any purpose without securing the necessary permit from the Department. This provision shall be implemented to protect and maintain the local biodiversity and ensure the sufficiency of supply of the above-mentioned fish and fishery products.

Section 49. Auxiliary Invoice. –

All fish and fishery products, except those caught in violation of the provisions of this Code or are declared as health hazards by concerned institutions, must have an auxiliary invoice to be issued by the municipal CRM office or municipal agriculture office prior to their transport from the point of origin to their point of destination in the Philippines and/or export purposes upon payment of the prescribed fees to defray administrative costs therefor.

Section 50. Support To Municipal Fisherfolks. –

The municipal government, in coordination with other agencies and institutions concerned, shall provide support to municipal fisherfolks and their organizations through appropriate technology and research, credit, production and marketing assistance and

other services such as, but not limited to, training for additional or supplementary livelihood.

Article VII

Creation of CRM Section under the Municipal Agriculturist's Office

Section 51. Creation Of CRM Section Under The Office Of The Municipal Agriculturist. –

There is hereby created a CRM Section under the Municipal Agriculturist's Office, solely for the purpose of attending to the needs on coastal resource management of the municipality. The CRM Section shall be headed by the Municipal Agriculturist to be assisted by a CRM Officer.

Section 52. Functions, Duties And Powers Of The CRM Section. -

The CRM Section shall have the following functions, duties and responsibilities:

1. Formulate measures for the approval of the Municipal Mayor and the Sangguniang Bayan, as the case may be, in carrying out measures to ensure the delivery of basic services and provide adequate facilities relative to environment and natural resources, particularly on coastal resources management and fisheries services.
2. Develop plans and strategies upon the approval thereof by the Municipal Mayor and the Sangguniang Bayan, as the case may be, and implement the same, particularly those which have to do with coastal resources management and fisheries programs and project which the municipal mayor is empowered to implement and which the sangguniang bayan is empowered to provide.
3. Ensure the maximum assistance and access to resources in the sustainable management and use of the environment and natural resources, particularly on coastal and fishery resources;
4. Enforce rules and regulations relating to environment and natural resources, particularly on coastal resources and fisheries management.
5. Coordinate with government agencies and non-governmental organizations which promote sustainable management of the environment and natural resources, particularly on coastal and fishery resources.
6. Be in the frontline of the delivery of basic services, particularly those needed for the survival of the inhabitants, particularly fisherfolks, during and in the aftermath of man-made and natural disasters and calamities.
7. Recommend to the sangguniang bayan and advise the Municipal Mayor, as the case may be, on all other matters related to environment and natural resources, particularly on coastal and fisheries resources, which will improve the livelihood and living conditions of the inhabitants.
8. To maintain an updated registry of municipal fisherfolks; and

9. Exercise such other powers and perform such other duties and functions as herein provided and as may be prescribed by law and ordinance.

Section 53. Qualifications Of The CRM Officer. -

No person shall be appointed as CRM officer unless he/she is a citizen of the Philippines, a resident of the municipality, of good moral character, a holder of a college degree preferably in environment, fishery, forestry, agriculture or any related course from a recognized college or university, and possesses a first grade civil service eligibility or its equivalent. He/she must have acquired experience in coastal resource management for at least two years (2) years. The CRM officer shall receive a salary equivalent to such salary grade as may be determined by the Civil Service Commission.

Article VIII

Fisheries and Aquatic Management Council (FARMC)

Section 54. Creation Of Municipal FARMC. –

Pursuant to Section 69 of the Philippines Fisheries Code of 1998 and in consonance with the provisions of Municipal Ordinance No. 99-002 creating the Municipal Fisheries and Aquatic Resources Management Council (MFARMC) and in conformity with the pertinent provisions of Executive Order No. 240, a Municipal Fisheries and Aquatic Resources Management Council (MFARMC) is hereby established in this municipality. The municipal government shall provide annual appropriation for the operations of the municipal FARMC.

Section 55. Composition Of Municipal FARMC. –

The regular members of the Municipal FARMC shall be composed of the following:

- a. Municipal Planning and Development Officer;
- b. Chairperson, Committee on Agriculture/Fisheries of the Sangguniang Bayan;
- c. Representative of the Municipal Development Council;
- d. Representative from the accredited non-governmental organizations;
- e. Representative from the private sector;
- f. Representative from the Department of Agriculture; and
- g. At least eleven (11) fisherfolk representatives (seven (7) municipal fisherfolks, one (1) fishworker and three (3) commercial fisherfolks) in the municipality which include representatives from youth and women sector.

The FARMC shall adopt rules and regulations necessary to govern its proceedings and election. The representatives of the municipal fisherfolks, fish workers, and commercial fisherfolks, including representatives from the youth and women sector shall be elected by the sectors concerned in a convention called for the purpose by the municipal government.

Section 56. Powers And Functions Of The Municipal FARMC. –

The municipal FARMC shall have the following powers and functions:

1. Assist in the preparation of the municipal fishery development plan and submit the same to the Municipal Development Council

2. Recommend the enactment of municipal fishery ordinances to the Sangguniang Bayan through its Committee on Agriculture and Fisheries;
3. Assist in the enforcement of fishery laws, rules and regulations in municipal waters;
4. Advise the Sangguniang Bayan on fishery matters through its Committee on Agriculture and Fisheries;
5. Assist the municipal government in the implementation of programs and projects on coastal and fishery resources management;
6. Assist the municipal government in the monitoring and evaluation of coastal and fishery resources management programs;
7. Advise the municipal government in the arbitration of disputes over fishery rights and sharing contracts;
8. Assist the municipal government in the conduct of public hearings and community consultations, in aid of the formulation of plans, policies and proposed ordinances and regulations;

9. Coordinate with law enforcement agencies in the enforcement of fishery and environment laws, ordinances, rules and regulations;
10. Assist the municipal government in the promotion of comprehensive rehabilitation and conservation of municipal fishing grounds and coastal and fishery resources;
11. Assist the municipal government in the promotion of ancillary economic activities, including cooperative marketing and socio-economic services;
12. Perform such other functions which may be assigned by the Municipal Mayor, the Municipal Development Council, and the Sangguniang Bayan, as provided by ordinance or resolution.

Section 57. The Secretariat And Staff –

The council shall be provided with a competent secretariat to be headed by the Municipal CRM Officer or the Municipal Agriculture Officer, and supported with a permanent staff duly recommended by the council and appointed or designated by the Municipal Mayor.

Article IX
The Municipal Bantay Dagat Council

Section 58. Creation Of Municipal Bantay Dagat Council. –

There is hereby created a Municipal Bantay Dagat Council to be composed of the following:

- The Chief of Police
- The Municipal Agriculturist
- Representative of the MFARMC
- Representative of the Deputized Fish Warden Association
- Representative of the Fisherfolks Organizations
- Representative of the Barangay Captains **of Coastal** Barangays
- Representative of Non-government organization

The operations of the council shall be supported by funds of the municipal government from the appropriations for bantay dagat and peace and order.

Section 59. Election Of The Members Of The Bantay Dagat Council. –

The representative of the MFARMC, Deputized Fish Warden Association, Fisherfolk Organizations, Barangay Captains of Coastal Barangays, and Non-government organizations shall be convened separately for the purpose of electing their representative in the Municipal Bantay Dagat Council.

The duly elected Council members shall elect from among themselves the following officers: Chairperson, Vice Chairperson, and Secretary, whose term of office will be coterminous with the elected municipal officials, unless sooner replaced or resigned.

The Council shall have the following powers and responsibilities:

- a. To effectively implement and enforce all existing fishery laws, rules and regulations, and such other fishery laws, rules and regulations or ordinance relative thereto which may henceforth be enacted within the municipality;
- b. To recommend disciplinary action against erring Bantay Dagat personnel;
- c. To control, eradicate and prosecute illegal fishing activities in court;
- d. To coordinate with other private and government agencies dealing with enforcement of fishery laws, rules and regulations in the prosecution of all illegal fishing within the municipality;
- e. To promulgate such guidelines, policies, rules and regulations for the effective implementation of its aims and objectives as regards:
 - a. creation of various working committees and defining their functions;
 - b. the adoption of a reward system in controlling illegal fishing activities and wanton destruction of the marine resources by offering or giving cash awards and other incentives to information leading to arrest and conviction of violators of fishery laws; and
 - c. such other matters necessary in the full implementation of all fishery laws, ordinances, rules and regulations.
- f. To make periodic report of operations to the Municipal Mayor for his evaluation and recommendation.

The Council shall be directly responsible to the Municipal Mayor for the conduct of regular seaborne patrol operations of the Bantay Dagat Team of the municipality. (MO 1991-01, amended)

Section 60. Working Committees. –

To effectively enforce and carry out the aims and objectives of the council, there shall be created at least three (3) working committees, subject to the creation of other committees by the council, namely:

- a) Committee on law enforcement and prosecution;
- b) Committee on organization and development, and
- c) Committee on education and information dissemination.

Section 61. Functions Of The Committees. –

The functions of the working committees are as follows:

- A) The committee on law enforcement and prosecution shall be responsible for the conduct of seaborne and land-based patrol, and the arrest and prosecution of violators of fishery laws, rules and regulations;
- B) The committee on organization and development shall be responsible in organizing bantay dagat fishermen's organization, the deputation of fish warden, and the establishment of an intelligence network to support the conduct of seaborne and land-based patrol for the arrest and prosecution of violators of fishery laws, rules and regulations;
- C) The committee on education and information dissemination shall be responsible in the dissemination of information to the public regarding fishery laws, rules and regulations; and the activities of the council to develop public support and awareness on the importance of preserving and protecting the fisheries and other aquatic resources.

Section 62. The Secretariat And Staff. –

The council shall be provided with a competent secretariat to be headed by the Municipal CRM Officer or the Municipal Agriculture Officer, and supported with a permanent staff duly recommended by the council and appointed or designated by the Municipal Mayor.

**Article IX
Prohibited Activities and Penalties**

Section 63. Compliance With National Laws. –

All national laws, orders, rules and regulations shall be implemented in this municipality.

Section 64. Ban Of The Use Of Anchors In The Dive Sites And Marine Sanctuaries

The use of anchors by dive boats and other boats is prohibited in the dive sites and marine sanctuaries of this municipality in order to minimize the destruction of corals which may be damaged by the dropping and mooring of these devices.

Section 65. Prohibition Of Trawl Fishing. –

All kinds of trawl fishing within the municipal waters of this municipality including the use of fishing gears which have the same effect as trawl fishing shall be prohibited at all times. (Sec. 1, MO 1981-1)

Any person found violating this provision shall be meted the penalty of fine of not less than Two Thousand Five Hundred Pesos (P2,500.00) or imprisonment of not less than six (6) months but not more than one (1) year or both such fine and imprisonment in the discretion of the court.

Section 66. Prohibition Of Sand Extraction. –

Hauling, excavating and/or extracting sand from the municipal waters is prohibited. Any person or persons found violating of this provision shall be meted the penalty of fine in the amount of Two Thousand Five Hundred Pesos (P2,500.00) or imprisonment of not less than six (6) months or both at the discretion of the court. (Sec. 1 & 3, MO 1992-02)

Section 67. Banning The Use Of Electric Light Boat Or Electric Shiner. -

All kinds of electric light boat or electric shiner fishing in the municipal waters of this municipality shall be prohibited. The mere presence of the electric light boat in the municipal waters is a prima facie evidence that the same is engaged in fishing and shall be impounded and prosecuted for illegal fishing operations. Any person found violating this provision shall suffer the penalty of not less than Two Thousand Pesos (P2,000.00) or an imprisonment of not less than six (6) months or both such fine and imprisonment at the discretion of the court. In case of juridical persons, the operator, the manager and the officers shall be held liable.

Section 68. Prohibition Conversion Of Mangroves. –

It is declared unlawful the conversion of mangrove, nipa, and swamp areas into industrial and/or commercial purposes, and the cutting of forest resources along riverbanks and other public lands within the municipality. Any person or persons, whether natural or juridical, found violating this provision shall suffer the penalty of fine in the amount of Two Thousand Five Hundred Pesos (P2,500.00), or imprisonment of six (6) months or both, at the discretion of the court.

Section 69. Prohibition Of Lawag Fishing. –

All kinds of lawag fishing are prohibited within the municipal waters of this municipality. Persons found guilty for the violation of this provision shall suffer the penalty of fine in the amount of Two Thousand Five Hundred Pesos (P2,500.00) or an imprisonment of not less than two (2) months but not more than six (6) months or both at the discretion of the court. The fishing boat, fish catch, and fishing gear shall be forfeited in favor of the municipality. (MO 1994-03)

Section 70. Prohibition Of Compressor Fishing. –

All kinds of compressor or buso fishing are prohibited within the municipal waters of this municipality. Violators of this provision, including the owner of the boat, shall suffer the penalty of fine in the amount of Two Thousand Five Hundred Pesos (P2,500.00) or an imprisonment of not less than two (2) months but not more than six (6) months, or both at the discretion of the court. The fishing boat, fishing gear, fishing equipment, air compressor, and fish catch shall be confiscated and forfeited in favor of the municipality. (MO 1994-1)

Section 71. Prohibition Of Liba-Liba Or Hulbot-Hulbot, Beach Seine Or Baling, And The Use Of Scaring Device And Drag Fishing Technique. –

It shall be unlawful for any person or persons, natural or juridical, to engage in fishing with the use of liba-liba or hulbot-hulbot, beach seine or *baling*, and the use of scaring device and drag fishing technique within the municipal waters of this municipality. Every person in the vessel or fishing boat engaged in the prohibited fishing activity shall suffer the penalty of fine in the amount of Two Thousand Five Hundred Pesos (P2,500.00) or imprisonment of not less than one (1) month nor more

than six (6) months, or both fine and imprisonment at the discretion of the court. Provided that, the fish catch, fishing boat, fishing gears, and other paraphernalia used in the violation of this provision shall be confiscated and impounded upon apprehension for the purpose **of making the same as exhibits for evidence. The fish catch shall be disposed of** to any government hospital, charitable or penal institutions, including the municipal jail for the benefit of patients or prisoners. (MO 1995-4)

Section 72. Other Prohibitions. --

It shall be unlawful for any person, entities, organization or corporations to engage in the following activities related to fishing:

1. Use of Dosdos in fishing
2. Use of *baling* or beach seine
3. Use of poisonous substances such as, but not limited to, cyanide or kuskos, lagtang and pesticides to stun / collect fish
4. Use of fine mesh nets, tri-ply, double net and other fishing gears, except for the capture of anchovy/bolinaw and fry after license has been secured from the LGU.
5. Use of electric rod to electrify fish
6. Use of lancornas, a fishing method similar to liba-liba, but operated in shallow waters.
7. Commercial fishing operations within Municipal waters
8. Use of De-Zipper or other fishing gear with scaring devices
9. Use of Dynamite/blasting in fishing
10. Collection of endangered species such as Manta Ray/Sanga, Dolphins, Whales, Turtles and endangered shell species;

Provided, That violators shall be punished with a fine of Two Thousand Five Hundred Pesos (PhP 2,500.00) or an imprisonment of six (6) months, or both fine and imprisonment at the discretion of the court. Second time offenders will also have their fish caught confiscated. Likewise, the fishing gear used in illegal fishing activity will also be confiscated.

**Article X
General Provisions**

Section 73. Person And Deputies Authorized To Enforce This Ordinance.

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The municipal mayor, municipal agriculturist, CRM officer, municipal planning and development coordinator, municipal treasurer, municipal local government operations officer, Philippine National Police, Municipal FARMC Members, barangay officials, deputized members of the Coastal Law Enforcement Council, and municipal deputized fish wardens shall take the lead in the implementation and enforcement of this Code. Fines from illegal fishing will all go into the Municipal CRM fund and an incentive of 40 percent of the fine imposed and collected will be shared equitably among the law enforcement team members involved in the arrest of the illegal fisherfolks in the municipality.

Section 74. Incentives To People's Participation In The Apprehension Of Illegal Fishing Activities. —

A) Any person or group of persons who apprehended violators of municipal fishery ordinances and, thereafter, cooperated or helped in the prosecution of the violators in court resulting in the imposition of the penalty of fine, is entitled to receive cash incentives from the municipality.

B) Fifty percent 50 percent of the fine imposed and collected by the municipality as a result of the apprehension shall be given as cash incentives to the team who made the arrest and to those persons who voluntarily renders assistance to the seaborne patrol team for the apprehension of the violators of municipal fishery ordinances.

C) A person is considered to have cooperated and helped in the prosecution when he performs all of the following:

1. Provided relevant information leading to the arrest of the illegal fishers;
2. Executed a sworn statement or affidavit to support the filing of the criminal case in court against the violators; and
3. Willingly testified as a prosecution witness before the court; provided, however, that even if the person was not able to testify, he is still considered to have helped in the prosecution of the case if he has willingly made himself available to the court to be presented as a prosecution witness but that his testimony was no longer presented by the prosecutor;

D) The chief of police or the police prosecutor shall issue the certification for the purpose of determining whether or not a person cooperated and helped in the arrest and prosecution of the violator(s).

E) If the penalty imposed by the court is not a fine but an imprisonment, the municipal mayor shall cause the release of funds from any available appropriations as cash incentive, as provided for in this ordinance; provided that the amount of cash incentive shall be equivalent to the daily wage/salary of the bantay dagat personnel employed by the municipality multiplied by the number of hearings the person is required to attend including the day when the violator are apprehended. A certification from the clerk of court shall be secured as proof of attendance to the court hearings. (MO 2001-02)

Section 75. Mandatory Review. –

The Sangguniang Bayan shall undertake the mandatory review of this Code at least once every three (3) years and as often as it may deem necessary, to ensure that coastal and fisheries policies and guidelines remain responsive to the changing circumstances.

Article XI Final Provisions

Section 76. Appropriation. –

The sum necessary to effectively carry out the provisions of this Code during the first year of its implementation shall be allocated from the budgets of the 20 percent development fund and the office of Municipal Agriculturist. The budget for subsequent years shall be provided which shall not be less than the amount of the preceding year's appropriation.

Section 77. General Penal Provision. –

Any person who violates any provision of this Code or of the rules and regulations promulgated under authority of this Code, not herein otherwise covered by a specific penalty, shall be punished by a fine of not less than One Thousand Pesos (P1,000.00) nor more than Two Thousand Five Hundred Pesos (P2,500.00), or imprisonment of not less than one (1) month nor more than six (6) months, or both fine and imprisonment, at the discretion of the Court.

Section 78. Repealing Clause. –

All ordinances, executive orders, rules and regulations or parts thereof which are inconsistent with this Code are hereby repealed and/or modified accordingly.

Section 79. Separability Clause. –

If, for any reason, any part or provision of this Code shall be held unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and in effect.

Section 80. Effectivity Clause. -

This Code shall take effect ten (10) days after a copy thereof is posted on a board at the entrance and in at least two (2) other conspicuous places of the municipal building and the ordinance has been published for three consecutive issues in a newspaper of local circulation in the municipality in compliance with the mandate of the pertinent provision of R.A No. 7160, otherwise known as the Local Government Code of 1991.

“APPROVED BY MAJORITY VOTE.”

I hereby certify to the correctness of the above-quoted Municipal Ordinance.

ATTY. RAUL P. BARBARONA
Vice Mayor
(Presiding Officer)

A T T E S T E D:

FIDELINO P. CORITICO
Secretary to the Sanggunian

A P P R O V E D:

CESAR TOMAS M. LOPEZ, M.D.
Municipal Mayor

Date Approved: _____