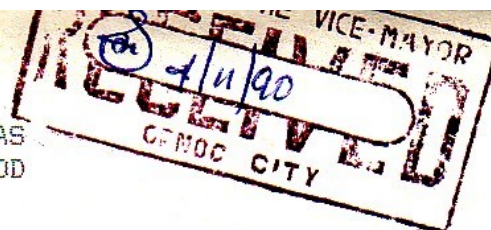


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE FIFTH
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE
PLACIDO ENECIO SESSION HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON MARCH 22, 1990

PRESENT:

| | |
|----------------------------------|--|
| Hon. Nepomuceno P. Aparis I, | Vice-Mayor & Presiding Officer |
| Hon. Gregorio A. Yrastorza, Jr., | Kagawad, Floor Leader |
| Hon. Eufrocino C. Codilla, Jr., | Kagawad |
| Hon. Celso P. Adolfo, | Kagawad |
| Hon. Arnulfo C. Salazar, | Kagawad |
| Hon. Jose B. Conejos, | Kagawad |
| Hon. Rodolfo L. Rivilla, Jr., | Kagawad |
| Hon. Benjamin F. Tugonon, | Kagawad |
| Hon. Antero T. Fiel, | Kagawad |
| Hon. Celso P. Porcadilla, | Kagawad |
| Hon. Nelson DL Geneston, | Industrial Labor Sector, Rep., Kagawad |

ABSENT:

| | | |
|------------------------|-----------------------------|---------|
| Hon. Sixto T. Pongos, | (Sick Leave) | Kagawad |
| Hon. Edgar Z. Palugod, | ABC President, (Sick Leave) | Kagawad |

RESOLUTION NO. 34

WHEREAS, in the enactment of Resolution No. 166 adopting Ordinance No. 20, Series of 1989, entitled, "An Ordinance Regulating Fishing and/or Fisheries in the City of Ormoc, Province of Leyte, and for Other Purposes", otherwise known as the "Basic Fishery Ordinance", some provisions therein need rectification;

WHEREAS, following the comments of said Ordinance by Director Juanito B. Malig, Bureau of Fisheries & Aquatic Resources, Department of Agriculture, Quezon City, Metro Manila, some provisions in said Ordinance have been found to be not within the taxing powers of the City Government of Ormoc and/or do not conform strictly in accordance with the Local Tax Code, hence, must be rectified;

NOW, THEREFORE, on motion of Kagawad Benjamin F. Tugonon, Chairman, Committee on Laws & Ordinances, jointly seconded by mga Kagawad Gregorio A. Yrastorza, Jr. and Rodolfo L. Rivilla, Jr., be it

RESOLVED, to adopt:

ORDINANCE NO.21
Series of 1990

AN ORDINANCE TO AMEND CERTAIN PROVISIONS AND/OR SECTIONS OF ORDINANCE NO. 20, SERIES OF 1989, ENTITLED, "AN ORDINANCE REGULATING FISHING AND/OR FISHERIES IN THE CITY OF ORMOC, PROVINCE OF LEYTE, AND FOR OTHER PURPOSES", (BASIC FISHERY ORDINANCE OF ORMOC CITY).

SECTION 1. Amendments. - The following Sections, Subsections, Paragraphs, Subparagraphs of Ordinance No. 20 s. 1989, entitled, "An Ordinance Regulating Fishing and/or Fisheries in the City of Ormoc, Province of Leyte, and for Other Purposes", are hereby rectified/amended accordingly, so as to conform to the comments of the Director, Bureau of Fisheries & Aquatic Resources, Department of Agriculture, Quezon City, Metro Manila, as follows:

For Comment No. 1. Zone 8 of Section 5, under the heading, "B. For the catching or taking of 'bangus' fry or 'Kawag kawag'", shall now read:

"Zone 8 - Beginning at a point marked "1" on plan being S. 79 deg. 03' 47"W., 3441.60 m. from B.L.L.M. No. 1, of Ormoc Cadastre;

"Thence S. 32 deg. 44' 15"W., 1814.00 m. to point 2;

"Thence N.57 deg. 14' 14"W., 1272.75 m. to point 3;

"Thence N.22 deg. 56' 04"E., 565.71 m. to point 4;

"Thence N.85 deg. 51' 20"E., 965.94 m. to point 5;

"Thence N.74 deg. 09' 05"E., 901.65 m. to point of the beginning containing an area of SIX HUNDRED (600) HECTARES MORE OR LESS, BEARING TRUE.

"Government 'Bangus' Fry Reservation"

For Comment No. 2. Second sentence of Section 6, under the heading "Government 'bangus' fry reservation" is hereby deleted, so that said section shall now read:

"Section 6. Government 'bangus' fry reservation. In the zoning and classification of municipal waters for purposes of awarding, through public bidding, areas for the construction or operation of fish corrals, oyster culture beds or the gathering of fry, this municipality/city hereby sets aside not more than one-fifth (1/5) of the area earmarked for the gathering of fry in Zone 8 within its municipal waters, under Sec. 5 of this basic fishery ordinance as may be designated by the Department of Agriculture and Aquatic Resources, as government 'bangus' fry reservation."

For Comment No. 3. The "Secretary of Natural Resources", as appearing in Sections 7, 14, 18 (a) (c), and 21, shall be changed to "Secretary of Agriculture" in view of the present organization setup of the government and, shall read as follows:

"SEC. 7 Exclusive Fishery Privileges. -

" X X X X

"This Sangguniang Panlungsod may grant to the highest qualified bidder the exclusive privilege of constructing and operating fish corrals, oyster culture beds or of gathering "bangus" fry or fry of other species, in municipal waters for a period not exceeding five (5) years: Provided, that these grants of exclusive fishery privileges shall be under such conditions as shall be prescribed by the Secretary of Agriculture". (Underscoring Supplied.).

"SEC. 14. Municipal concessions and leases concerning fisheries.

No lease or concession granted by the Sangguniang Bayan under authority or an ordinance approved pursuant to Section 4 of Presidential Decree No. 704, concerning fishing or fisheries in streams, lakes, rivers, inland and/or municipal waters, shall be valid and enforceable unless the Secretary of Agriculture, upon recommendation of the Director of Fisheries and Aquatic Resources, approved the same."

"SEC. 18. Restrictions.

" X X X X

"(a) No fish corral or "baklad" shall be constructed within two hundred (200) meters or another fish corral in marine fisheries or one hundred (100) meters in fresh water fisheries, unless they belong to the same licensee/grantee, but in no case shall the distance be less than sixty (60) meters apart, except in water less than two (2) meters deep at low tide, or unless previously approved by the Secretary of Agriculture."

"(c) Fish corrals shall be entirely opened during closed season/period or periods established by the Honorable, the Secretary of Agriculture for the free passage of fishes to enable a considerable number to reach the spawning ground."

For Comment No. 4. In Section 8, four (4) of the annual fees, under the heading "(1) Fish corrals erected in the sea", be revised to conform strictly in accordance with the Local Tax Code, shall now read:

| "(1) Fish corrals erected in the sea | Annual Fee |
|---|---------------|
| Less than 3 meters deep | <u>P30.00</u> |
| 3 meters deep or more but less than 5 meters deep | <u>60.00</u> |
| 5 meters deep or more but less than 8 meters deep | <u>200.00</u> |
| 8 meters deep or more but less than 10 meters deep | <u>360.00</u> |
| 10 meters deep or more but less than 15 meters deep | 500.00 |
| 15 meters deep or more | 800.00 |

For Comment No. 5. The license fee of P100.00 for fishermen using traps, of Section 15, particularly artificial reefs, under sub-section 2 (h) be reduced to P50.00, so that said section shall now read:

"SEC. 15. License permit. -

" X X X X

"2. Fishermen using traps:

| | |
|---------------------------------|---------|
| a. Ansang | P 20.00 |
| b. Antol | 20.00 |
| c. Bobo big (Panggal) | 20.00 |
| d. Bobo small | 10.00 |
| e. Dumpil | 30.00 |
| f. Kulong | 20.00 |
| g. Pasgong | 20.00 |
| h. Artificial reefs | 50.00 |

For Comment No. 6. Section 16- Prohibition on baby trawls using fishing boats of three (3) tons or more or less and liba-liba, is hereby deleted.

For Comment No. 7. A new section to be known as Section 18, on the additional conditions prescribed under PD 1585 should be included as another provision, thus, shall read as follows:

"SEC. 18. Additional Conditions in the Contract of Leases. The Contract of Lease to be executed by and between the Municipality and the highest winning bidder for the grant of the exclusive fishery privileges under this ordinance shall contain the following additional terms and conditions pursuant to Presidential Decree No. 1585;

- (a) that when the national interest so requires, the President of the Philippines may review, amend, modify, revise, rescind, or revoke any such contract, concession, license, permit, lease or similar privilege or any condition or provision therein;
- (b) that upon the recommendation of the government agency or instrumentality concerned with the administration of any such contract, concession, license, permit, lease, or similar privilege, the President may, pending the conduct of appropriate hearing, summarily suspend and order the cessation of all activities and operations under the contract, concession, license, permit, lease, or similar privilege for violation of any of the conditions or provision therein or of any conditions prescribed in duly issued rules and regulations of the administering government agency or instrumentality."

For Comment No. 8. The second sentence of Section 19, under the heading "Penalty" is hereby deleted, so that said section should now read:

"SEC. 19. Penalty. - Any individual or entity found violating any of the provisions of this Ordinance shall be punished for each offense by a fine of not less than twenty-five pesos but not exceeding two hundred pesos, or imprisonment of not less than ten days but not exceeding six months, or both fine and imprisonment, in the discretion of the court."

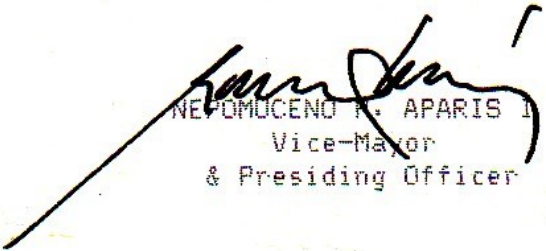
SECTION 2. Effectivity. This Ordinance shall take effect upon the approval of the Secretary, Department of Agriculture.

ENACTED, March 22, 1990.

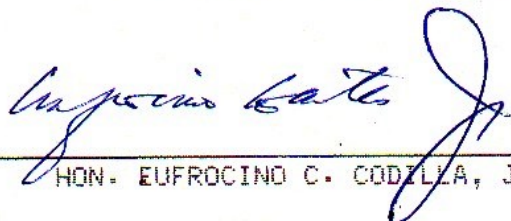
RESOLVED, FURTHER, to furnish copies of this Resolution-Ordinance one each to the Honorable Secretary, Department of Agriculture, Diliman, Quezon City, through Director Juanito B. Malig, Bureau of Fisheries and Aquatic Resources, 860 Quezon Ave., Quezon City, Metro Manila; the Regional Director, Department of Agriculture, Tacloban City; Honorable Ma. Victoria L. Locsin, City Mayor, Ormoc City; and others concerned, Ormoc City;


CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution-ordinance.


NEPOMUCENO P. APARIS
Vice-Mayor
& Presiding Officer

Signatures of attending Sangguniang Panlungsod Members


HON. EUFROCINO C. CODILLA, JR.


HON. CELSO P. ADOLFO



HON. GREGORIO A. YRASTORZA, JR.


HON. ARNULFO C. SALAZAR


HON. JOSE B. CONEJOS


HON. RODOLFO L. RIVILLA, JR.


HON. BENJAMIN F. TUGONON


HON. ANTERO T. FIEL

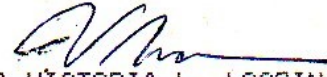

HON. CELSO P. PORCADILLA


HON. NELSON D. GENESTON


ATTESTED:


OSCAR P. LASAM
City Secretary

APPROVED:


MARIA VICTORIA L. LOCSIN
City Mayor

ATTESTED AS APPROVED:


CASIMIRO L. CORTES
City Administrator and
Concurrent Secretary to the Mayor

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