

REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC

1-6-2003
ORMOC CITY

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE NINTH
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE
PLACIDO ENECIO HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON JANUARY 02, 2003

PRESENT:

Hon. Celso P. Adolfo,	Vice Mayor & Presiding Officer
Hon. Nepomuceno P. Aparis I,	City Councilor, Majority Floor Leader
Hon. Ruviniou E. Mendola,	City Councilor, Assist. Maj. Floor Leader
Hon. Demosthenes F. Tugonon,	City Councilor
Hon. Eduardo P. Tan,	City Councilor
Hon. Rafael C. Omega, Jr.	City Councilor
Hon. Fernando P. Parrilla,	City Councilor
Hon. Gregorio A. Yrastorza, Jr.	City Councilor, Assist. Minority Floor Leader
Hon. Jovencio A. Laurente,	City Councilor
Hon. Fe. S. Lladoc,	City Councilor
Hon. Cheryl L. Alfar,	Ex-Officio City Councilor, SK Federation President

ABSENT:

Hon. Jose S. Serafica,	(Special Leave),	City Councilor, Minority Floor Leader
Hon. Emeterio Y. Larrazabal, Jr.,	(Special Leave),	Ex-Officio City Councilor, Chapter President, Liga ng mga Barangay ng Ormoc

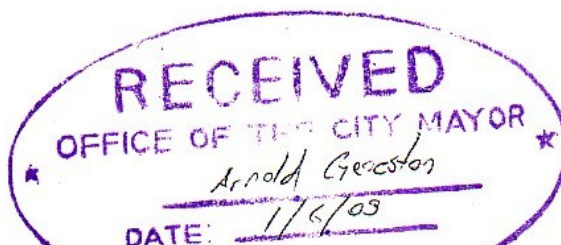
PRELIMINARY STATEMENT

The Sangguniang Panlungsod ng Ormoc passed Ordinance No. 23 S. 1990 entitled, "AN ORDINANCE REGULATING FISHING AND/OR FISHERY PRIVILEGES IN THE CITY OF ORMOC, PROVINCE OF LEYTE, AND FOR OTHER PURPOSES" on October 11, 1990 which was then known as the Basic Fishery Ordinance of this city and was enforced in conjunction with the laws, decrees, orders, rules and regulations on fishing and/or fisheries already promulgated on that may later be promulgated regarding the matter.

In 1993, the Sixth Sangguniang Panlungsod ng Ormoc passed Ordinance No. 38 dated December 23, 1993 entitled, "AN ORDINANCE REVISING ORDINANCE NO. 23 S. 1990, REGULATING FISHING AND/OR FISHERY PRIVILEGES IN THE CITY OF ORMOC, AND FOR OTHER PURPOSES". This Ordinance was enacted because the former ordinance contained provisions which were not consistent with RA 7160 otherwise known as the Local Government Code of 1991, hence revision was imperative.

However, with the passage of R.A. # 8550 or the Philippine Fisheries Code of 1998 all city fishery ordinances has to be amended, revised and modified to conform with the present rules on the management and conservation of the fisheries & aquatic resources, hence the passage of this Ordinance.

FOREGOING premises considered, on motion of City Councilor Fernando P. Parrilla, Chairman, Committee on Fisheries, duly seconded by City Councilor Rafael C. Omega, Jr.; be it



[Handwritten signature]

RESOLVED to adopt:

ORDINANCE NO. 097

ORMOC CITY FISHERY ORDINANCE OF 2002

SECTION 1. This Ordinance shall amend, revise, modifying the existing City Fisheries Ordinance of 1993, and shall be known as Ormoc City Fishery Ordinance of 2002. In conjunction with R.A. No. 8550.

SECTION 2. Purpose. The main objective of this Ordinance is to acquire full authority to ensure the rational and sustainable utilization, development, management and conservation of Fisheries and Aquatic resources of this city.

SECTION 3. Application of this Provisions. The provision of this Ordinance shall be Enforced in:

- a. The city waters of Ormoc City as defined under this Ordinance.
- b. All aquatic fisheries resources whether inland or coastal areas, including but not limited to fishpond, fish pens/cages, oyster mussel, pearl and seaweeds farm.
- c. All lands devoted to Aquaculture, or business and activities relating to fishery, whether private or public lands.

SECTION 4. Definition of Terms. As used in this Ordinance, the following terms and Phrases shall mean as follows:

- a. Ancillary Industries - firms and companies related to the supply, construction maintenance of fishing vessels, gears, nets and other fishing paraphernalias. Shops and other facilities such as hatcheries, nurseries, feed plants, cold storages, refrigeration and processing plants and other pre and post harvest facilities.
- b. Appropriate Fishing Technology - adoptable technology in both fishing and ancillary industries, that are ecologically sound, locally source-based and labor intensive.
- c. Aquaculture - fishery operations involving all forms of raising and culturing fish and other fishery species in fresh, brackish waters and marine areas.
- d. Aquatic Pollution - the introduction by human or machine, directly or indirectly, of substance or energy to the aquatic environment which result or its likely to result in such deleterious effect as to harm living and non-living aquatic resources pose potential and/or real hazard to human health, hindrance to aquatic activities such as fishing and navigation, including dumping disposal of waste and other marine litters, discharge of petroleum or carbonaceous materials/substances and other radio-active, noxious or harmful liquid, gaseous or solid substances, from any water, land or air transport or man-made structure. Deforestation, unsound agricultural practices, such as, the use of banned chemicals, intensive use of artificial fish feeds and wetland conversion which cause similar hazard and deleterious effect shall constitute aquatic pollution.

- e. Artificial Reef - any structure of natural or man-made materials placed on the body of water to serve as shelter and habitat, source of food, breeding areas for fishery species and shoreline protection.
- f. Aquatic Resources - includes fish and all other aquatic flora and fauna. And other living resources of the aquatic environment, including, but not limited to salt and corals.
- g. Closed Season - the period during which the taking of specified fishing species by a fishing gear is prohibited in a specified area of the city waters.
- h. Coastal Area/Zone - is a land or dry land and adjacent ocean space (water and submerged bed) in which terrestrial processes and uses directly affect oceanic processes and uses, and vice versa, its geographic extent may include mangrove swamps, estuarine rivers, sandy beaches and other areas within a seaward; limit of 200 meters isobaths to include coral reef, algal flats, seagrass beds and other soft-bottom areas.
- i. Commercial Fishing - the taking of fishery species by passive or active gear for trade of profit beyond subsistence or sport fishing.
- j. Commercial Fishing Vessel/Boat - fishing with active or passive Gear utilizing fishing vessels of 3.1 gross tonnage or more.
- k. Electro Fishing - the use of electricity generated by either batteries, electric generators and other sources of electric power to kill, stupefy, disable or render unconscious fish or fishery species, whether or not the same are subsequently recovered.
- l. Fine Mesh Net - net with mesh size of less than three (3) centimeters (cm) measured between two (2) opposite knots of a full mesh when stretched or as otherwise determine by the appropriate government agency.
- m. Fish and Fishery/Aquatic Products - include not only fin fish, but also mollusks, crustaceans, echinoderms, marine mammals, and all other species of aquatic flora and fauna and all other products of aquatic living resources in any form.
- n. Fish Cage - refers to an enclosure which is either stationary or floating, made up of net or screens, sown or fastened together and installed in the water with opening at the surface or covered and held in a place by wooden bamboo post or various types of anchors and floats.
- o. Fish Corral or Baklad - a stationary wire or trap devised to intercept or capture fishery species with rows of bamboo stakes, plastic nets and other materials with split bamboo matting with one or more enclosures, usually with easy entrance, but difficult exit, and with or without leader to direct the fish to the catching chambers, purse or bags.

- p. Fish Pen - an artificial enclosure constructed within a body of water. For culturing fish and fishery/aquatic resource made up of poles closely arranged in an enclosure with wooden materials, screen or netting to prevent escape of fish.
- q. Fisherfolk Cooperative - duly registered association of fisherfolks, with common bond of interest lawful common social or economic end, making equitable contribution to the capital requirement and accepting a fair share of the risk and benefits of the undertaking in accordance with the universally accepted cooperative principles.
- r. Fisherfolk Organization - an organized group, association, federation. Alliance or institution of fisherfolk which has at least fifteen (15) members, a set of officers, a constitution, and by-laws, an organizational structure and a program of action.
- s. Fisheries - refers to all activities relating to the act of business of fishing, culturing, preservation, processing, marketing, developing, conserving and ranging aquatic resources and the fishery areas including the privilege to fish or to take aquatic resources thereof.
- t. Fishpond - a land base facility enclosed with earthen or stone materials to impound water for growing fish.
- u. Fishing Boat/Gear License - a permit to operate specific types of fishing boat/gear, specific duration in city waters for demersal or pelagic fishery resources.
- v. Fishery Operator - one who owns and provides the means including land, labor, capital, fishing gears and vessels, but not personally engage in fishery.
- w. Fishing - the taking of fishery species from their state of habitat with or without the use of fishing vessels.
- x. Fishing Gear - any instrument or device and its accessories utilized in taking fish and other fishery vessels.
 - x.1 Active Fishing Gear - is a fishing device characterized by gear movement, and/or pursuit of the target species by towing, lifting and pushing the gears, surrounding, covering, dredging, pumping and scaring the target species to impoundments, such as but not limited to trawl, purse seines, hulbot-hulbot (Danish seines) and barring or peeling.
 - x.2 Passive Fishing Gear - is characterized by the absence of gear movements and/or the pursuit of the target species, such as, but not limited to, hook and line, fishpot, traps, and gill net across the path of the fish.
- y. City Fishing - refers to fishing within city waters using fishing vessels of three (3) gross tons or less, or fishing not requiring the use of fishing vessel.

- z. Sea Farming - the stocking of natural or hatchery-produced marine plants or animals, under controlled conditions, for purposes of rearing and harvesting, but not limited to commercial important fishes, mollusks (such as pearl and giant clam culture), including seaweeds and seagrasses.

SECTION 5. City Waters. For the purpose of this ordinance, the word city waters include not only streams, lake, inland bodies of waters and tidal waters within the city which are not included within the protected areas as defined under RA 7586 (THE NIPAS LAW), public forest, timberland, forest reserves, fishery reserves, but also, marine waters included between two lines drawn perpendicular to the general coastline from points where the boundary line of the Municipality of Albuera and Merida touch the sea at low tide and third line shall be equally distant from the opposite shore of the respective municipality/city.

SECTION 6. Division and Classification of City Waters. The city waters within its jurisdiction shall be divided/zonified and classified as follows:

A. For the erection of fish corrals and fish pen:

Zone 1 - Beginning at a point marked "1" on plan, being S 39 deg. 19 minutes and 35 sec. East: 6,651.09 meters from BLLM No. 1 Ormoc cadastre;

Thence S 52 deg. 11 minutes 23 sec. E., 1,600.00 m. to point 2;
Thence S 28 deg. 32 minutes 46 sec. W., 5,556.00 m. to point 3;
Thence N 50 deg. 15 minutes 00 sec. W., 1,550.00 m. to point 4;
Thence N 27 deg. 56 minutes 11 sec. E., 5,512.72 m. to point
of the beginning containing an area of EIGHT HUNDRED FIFTY-SEVEN (857) HECTARES MORE OR LESS. Bearings True.

Zone 2 - Beginning at a point marked "1" on plan, being S 39 deg. 21 minutes and 05 sec. East: 5064.75 meters from BLLM No. 1 Ormoc Cadastre;

Thence S 33 deg. 31 minutes 35 sec. E., 245.56 m. to point 2;
Thence S 31 deg. 44 minutes 23 sec. E., 791.87 m. to point 3;
Thence S 52 deg. 11 minutes 03 sec. E., 571.43 m. to point 4;
Thence S 27 deg. 56 minutes 11 sec. W., 5512.72 m. to point 5;
Thence N 50 deg. 15 minutes 00 sec. W., 1,725.00 m. to point 6;
Thence N 30 deg. 10 minutes 48 sec. E., 5779.16 m. to point of
the beginning, containing an area of EIGHT HUNDRED EIGHTY-FIVE (885) HECTARES MORE OR LESS. Bearings True.

Zone 3 - Beginning at a point marked "1" on plan, being S 40 deg 33 minutes 36 sec. East: 3,407.55 meters from BLLM no. 1, Ormoc Cadastre;

Thence S 38 deg. 18 minutes 19 sec. E., 1,160.73 m. to point 2;
Thence S 33 deg. 32 minutes 00 sec. E., 500.00 m. to point 3;
Thence S 30 deg. 10 minutes 48 sec. W., 5779.16 m. to point 4;
Thence N 50 deg. 14 minutes 42 sec. W., 1675.00 m. to point 5;
Thence N 31 deg. 19 minutes 51 sec. E., 6148.90 m. to point of
the beginning containing an area of NINE HUNDRED FIFTY-THREE (953) HECTARES MORE OR LESS. Bearing True.

Zone 4 - Beginning at a point marked "1" on plan, being S 42 deg. 40 minutes and 27 sec. East: 1,760.02 meters from BLLM No. 1, Ormoc Cadastre;

Thence S 38 deg. 18 minutes 16 sec. E., 1,650.00 m. to point 2;
Thence S 31 deg. 19 minutes 51 sec. W., 6148.90 m. to point 3;
Thence N 50 deg. 14 minutes 42 sec. W., 600.00 m. to point 4;
Thence N 31 deg. 38 minutes 52 sec. E., 6,488.78 m. to point
of the beginning containing an area of NINE HUNDRED EIGHTY-NINE
(989) HECTARES MORE OR LESS, Bearing True.

Zone 5 - Beginning at a point marked "1" on plan, being S 20 deg.
47 minutes 30 sec. East; 373.33 meters from BLLM No. 1,
Ormoc Cadastre;

Thence N 69 deg. 13 minutes 20 sec. E., 93.05 m. to point 2;
Thence S 54 deg. 47 minutes 51 sec. E., 91.00 m. to point 3;
Thence S 46 deg. 42 minutes 27 sec. E., 375.40 m. to point 4;
Thence S 34 deg. 16 minutes 26 sec. E., 918.56 m. to point 5;
Thence N 49 deg. 57 minutes 58 sec. E., 141.72 m. to point 6;
Thence S 31 deg. 38 minutes 52 sec. W., 6488.79 m. to point 7;
Thence N 50 deg. 14 minutes 42 sec. W., 1,500.00 m. to point 8;
Thence N 32 deg. 24 minutes 28 sec. E., 6,525.72 m. to point
of the beginning containing an area of NINE HUNDRED FORTY-ONE (941)
HECTARES MORE OR LESS, Bearing True.

Zone 6 - Beginning at a point marked "1" on plan, being N 71 deg.
56 minutes 03 sec. W., 1,128.64 meters from BLLM No. 1,
of Ormoc Cadastre;

Thence S 48 deg. 45 minutes 00 sec. E., 611.51 m. to point 2;
Thence S 62 deg. 51 minutes 34 sec. E., 112.63 m. to point 3;
Thence S 3 deg. 27 minutes 23 sec. W., 280.15 m. to point 4;
Thence N 82 deg. 17 minutes 42 sec. E., 343.10 m. to point 5;
Thence N 4 deg. 05 minutes 08 sec. E., 105.27 m. to point 6;
Thence S 82 deg. 57 minutes 29 sec. E., 171.29 m. to point 7;
Thence S 56 deg. 46 minutes 06 sec. E., 173.35 m. to point 8;
Thence S 32 deg. 24 minutes 28 sec. W., 6,525.72 m. to point 9;
Thence N 50 deg. 14 minutes 42 sec. W., 1,550.00 m. to point 10;
Thence N 33 deg. 43 minutes 46 sec. E., 6,273.37 m. to point
of the beginning containing an area of NINE HUNDRED TWENTY-THREE
(923) HECTARES MORE OR LESS, Bearing True.

B. For the catching or taking of "bangus" fry or "Kawaq-kawaq":

Zone 7 - Beginning at a point marked "1" on plan, being N 74 deg.
03 minutes and 42 seconds W., 2,902.40 meters from BLLM
No. 1, of Ormoc Cadastre;

Thence N 85 deg. 10 minutes 52 sec. E., 1,194.56 m. to point 2;
Thence S 43 deg. 56 minutes 29 sec. E., 760.16 m. to point 3;
Thence S 33 deg. 43 minutes 46 sec. W., 6,273.37 m. to point 4;
Thence N 50 deg. 14 minutes 42 sec. W., 1,590.00 m. to point 5;
Thence N 32 deg. 44 minutes 15 sec. E., 5,525.19 m. to point
of the beginning containing an area of NINE HUNDRED NINETY-SEVEN
(997) HECTARES MORE OR LESS, Bearing True.

Zone 8 - Beginning at a point marked "1" on plan being S. 66 deg.
06' 42" W., 5050.73 m. from B.L.L.M. No. 1, of Ormoc
Cadastre;

Thence S. 32 deg. 44' W. 2146.19 m. to point 2;
Thence N. 50 deg. 14' W. 2518.73 m. to point 3;
Thence N. 61 deg. 01' E. 2040.34 m. to point 4;
Thence N. 58 deg. 48' E. 1533.86 m. to the point of the

beginning containing an area of FOUR HUNDRED FOUR (404) HECTARES MORE OR LESS. BEARINGS TRUE.

Zone 8-A - Beginning at a point marked "1" on plan being N.74 deg. 03' 43"W., 2902.40 m. from B.L.L.M. No. 1 of Ormoc Cadastre:

Thence S. 32 deg. 44' W. 3379.00 m. to point 2;

Thence N. 58 deg. 48' W. 1533.86 m. to point 3;

Thence N. 61 deg. 01' E. 859.66 m. to point 4;

Thence N. 22 deg. 56' E. 1428.24 m. to point 5;

Thence N. 85 deg. 51' E. 965.94 m. to point 6;

Thence N. 74 deg. 09' E. 901.65 m. to point of the beginning containing an area of THREE HUNDRED FIFTY POINT TWO HECTARES (350.2) MORE OR LESS. Bearing True.

C. For the erection fish pens and fish cages.

FROM ZONE 1 TO ZONE 5 as stated in sec. 6A

ZONE 7A. Beginning at the mouth of Naungan river going upward

ZONE 8B-1 Beginning at the mouth of Lao river going upward

ZONE 8B-2 Beginning at the mouth of the San Juan river going upward

C-A Regulations of fish pens and fish cages as to area

1.1 No fish pen and fish cages shall be constructed within Ten (10) meters of another fish pen/fish cages in marine and brackish water fisheries.

2.1 The allowable area for fish pen/fish cages shall be 100 sq. meters and will not obstruct the navigational lanes in the area.

Violation of this provision shall be punishable by cancellation of his licence or permit to operate or a fine of P1,000.00 or imprisonment of 10 days to one month.

SECTION 7. Users of City Waters. All fishery related activities in the water of Ormoc City as define in this ordinance shall be utilized by city fisherfolk and their cooperative/organization whose members are listed as such in the City Registry of Fisherfolk.

SECTION 8. Grant and Privileges for Operation of Fish Corral, Fish Cages, Fish Pens, Oyster/Mussel/Pearl and Seaweed Farm and similar structure. No concessions, licenses, permits leases and similar privileges for the establishment or operation of fish corral, fish pens, fish cages, oyster/mussels/pearls and seaweed farm and similar structure in the city waters shall be granted except to local city fisherfolk and their cooperative/organization whose members appears in the City Registry Fisherfolk.

SECTION 9. Exclusive Fishery Privileges. Operating fish corral/traps, fish pens, fish cages, mussels/oyster/pearl/seaweeds farm or gathering/catching of fish fry of any species for propagation be considered as exclusively fishery privileges which shall be granted to the highest qualified bidder in public bidding held according to the provision of this ordinance. Organization/cooperative of local marginal fishermen whose members appears in the registry of City Fisherfolk shall have preferential right. to such privileges.

SECTION 10. Issuance of individual licenses in case no bidders will lease any fishing zone. The City Mayor is authorize to grant the privilege of constructing/erecting fish corral/traps/fish pens, fish cages, oyster/mussels/pearls and seaweeds farm or catching of fish fry in a definite area within the zone or portion thereof at the rate/fees no exceeding these fixed hereunder.

- 1) Fish Corrals/Traps constructed in the sea
 - less than three (3) meters deep Php 200.00
 - Three (3) meters deep but not more than
six (6) meters deep 300.00
 - Six (6) meters deep or more but not less than
ten (10) meters deep 400.00
 - Ten (10) meters deep or more but not less than
fifteen (15) meters deep or more 500.00
 - Fifteen (15) meters deep or more 600.00
 - Specified rate is good for every 10,000 sq. meters
- 2) Operation of Fish pen, Fish cage, oyster, mussels,
pearl and seaweeds farm per 10,000 sq. meters
below 1,000.00
- 3) For gathering of fish fry per 10,000 sq. meters
or below 1,000.00

SECTION 11. License, Permit, Fishery Grant. The privileges of taking or catching fish in waters of Ormoc City with nets, traps and other fishing gears allowed/authorized by this ordinance and R.A. 8550, shall be granted under ordinary license permit issued by the City Mayor to any person, association or cooperative/corporation qualified under Section 7 of this ordinance upon proper inspection and Licensing Unit at the City Agricultural Services Office of this city and upon payment of the corresponding fees for fishing gear applied for.

GENERAL SCHEDULE OF LICENSES

ITEM	Kind of Fishing Boat/Banca and Fishing Gears : allowed/authorized in the City of Ormoc	Annual Fee
1.	Fishing Boat/Banca:	
	a. Motorized boat/banca 3 tons below	Php 100.00
	b. Non-motorized boat/banca 3 tons below	50.00
2.	Fishing Gear allowed/authorized:	
	a. Bentulan	300.00
	b. Palubog/gill net (bottom)	50.00
	c. Palutao/drift gill net	50.00
	d. Multiple long line	50.00
	e. Long line	50.00
3.	Fishermen using traps:	
	a. Pangal/Bobo	20.00
	b. Bentol	10.00
	Additional fees at P1.60 per piece of Pangal or bentol in excess of 50 pcs.	
4.	Fisherman using spear gun:	
	a. Pamana without air support system	50.00

Note:

Issuance of License permit/fishery grant will be in accordance with Coastal Resource Management Plan of the city, formulated by City Fishery Management Unit duly approved by the Sangguniang Panlungsod and its Local Chief Executive.

SECTION 12. Report of fish caught/production. Any individual or entity who has obtained a fishery grant or license to take catch or culture in the city shall submit to the City Fishery Management Unit at the City Agricultural Services Office their monthly fish caught/production report on the second week of the succeeding month. Violation of this provision would be sufficient ground for the cancellation of his/her permit or license.

SECTION 13. Registry of City Fisherfolk. The LGU of Ormoc shall maintain a registry of city fisherfolk, who are fishing or may desire to fish in the city waters, for the purpose of determining priorities among them in the use of city waters, of limiting entry into the city waters and monitoring fishing activities and/or other related purposes.

Such list of registry shall be updated annually or as may be necessary, and shall be posted in barangay halls or other strategic locations where it shall be open to public inspection, for the purpose of validating the correctness and competence of the list.

The LGU of Ormoc shall also maintain a registry of the city fishing vessel by type of gear other boat particular.

SECTION 14. Support to City Fisherfolk. The city government (LGU) shall provide support to the city fisherfolk through appropriate technology and research, credit, production and marketing assistance and other services such as, but not limited to training for additional/supplementary livelihood.

SECTION 15. Transport of Fish and other Fishery Product outside of Ormoc City for business purposes. No person shall transport fish product derived from the city water of this city without first securing permit to transport from the City Fishery Management Unit at the City Agricultural Office and paying the corresponding fees prescribe for the purpose.

SCHEDULE OF TRANSPORT FEES

10 to 50 kgs.	Php 10.00
51 to 100 kgs.	20.00
101 to 200 kgs.	30.00
210 to 300 kgs.	40.00
301 to 500 kgs.	50.00
501 kgs. to more	100.00

Bangus fry/prone crablets P10.00 per thousand (1 centavo each)

SECTION 16. Creation of the City Fishery Management and Licensing Unit. A City Fishery Management and Licensing Units is hereby created in the City Agricultural Office, whose function will be to undertake the processing and inspection of application for fishery license, permit or grants. It will assist the local PNP in the enforcement of this ordinance and other fishery laws (EIA, FLA, water code of the Philippines). Likewise, it will undertake in consultation with the Regional Fishery Management Unit in the formulation of its city Coastal Resource Management Plan.

SECTION 17. Creation of the Local Fishery Law Enforcement Team (FLET) of this city is hereby organized to be composed of members of the Law Enforcement Agencies such as PNP Maritime, PCG, PNP local command and members of the City Fishery Management and Licensing Unit of the

City Agricultural Office. They shall be responsible for the enforcement of this ordinance and other fishery laws applicable in the city waters of Ormoc City.

SECTION 18. Creation of the City Bantay Dagat/Bay Watch Organization in support to the function of the City Fishery Law Enforcement Team (FLET), a City Bantay Dagat/Bay Watch Organization is created to be composed of all duly elected Barangay Chairmen of coastal and riverside barangays inland & bodies of water of the city and other barangay officials and officers of fishermen cooperatives/organization who had undergone proper orientation concerning fishery laws and being deputized by the Local Chief Executive or by the Secretary of Agriculture or its representative.

Members of the City Bantay Dagat/Bay Watch shall conduct surveillance and monitor illegal fishing activities in their respective barangays and relay such information to the City Fishery Law Enforcement Team thru any means of communication available for the purpose. They are also empowered to enforce fishery that violated in their presence at their respective area of jurisdiction. They shall be reimbursed for actual expenses incurred in the performance of their duties/functions.

Non-official of the barangay/city who are members of the City Bantay Dagat/Bay Watch Organization shall be given incentive/honorarium and insurance on the amount prescribed by the City Fishery Management Unit and traveling expenses and allowances in subject to existing Accounting and Auditing Rules & Regulations with the Commission on Audit.

SECTION 19. Unauthorized Fishing or Engaging in other Unauthorized Fisheries Activities. No person shall exploit, occupy, produce, breed, culture, capture, or gather fish, fry or fingerlings of any fishery species of fishery products, or engage in any fishery activity within the city water of Ormoc without a license, lease or permit issued/approved by the city mayor.

Discovery of any person in the city water of Ormoc as define by this ordinance and R.A. 8550 where he has no permit or registration paper for a city fishing vessel shall constitute a prima facie presumption that the person and/or vessel is engage in unauthorized fishing. Provided, that fishing for daily food sustenance or for leisure which is not for commercially occupation or livelihood purpose may be allowed.

Any commercial fishing boat captain or the three (3) highest officers of the boat or fishworker who commit any of the above prohibited acts upon conviction shall be punished by equivalent of the value of the catch or eight thousand (P8,000.00) whichever is higher, and/or imprisonment of six (6) months, confiscation of catch and fishing gears and recommend to BFAR for revocation of license.

It shall be unlawful for any not listed in the registry of city fisherfolk to engage in any commercially fishing activity in city water of Ormoc. Any city fisherfolk who commit such violation shall be punished by confiscation of catch and a fine of Five Hundred Pesos (P500.00)

SECTION 20. Use of the fine mesh net. It shall be unlawful to engage in fishing using nets with size of less than three centimeters (3) measured between two (2) opposite knot of a full mesh when stretch. Provided, that the prohibition on the use of fine mesh net shall not apply to the gathering of fry, glass eels, elvers, tabios and alamang (hipon) and such species which by nature are small but already matured.

Fishing with the use of Fine Mesh Nets shall Subject the offender to a fine from One Thousand Five hundred Pesos (P1,500.00) to Fifteen Thousand Pesos (P15,000.00). Or imprisonment of six (6) months or both such fine and imprisonment at the discretion of the court provided, that if the offense is committed by a commercial fishing vessel, the boat captain/acting boat captain and master fisherman shall be subjected to the penalties provided therein.

Provided further that the owner/operator of the commercial fishing vessel, who violates this provisions shall be subject to the same penalties provided therein.

SECTION 21. Use of Active Gear. Pursuant to the provision of R.A. 8550 Sec. 90, it shall be unlawful to engage fishing in the municipal/city water of Ormoc using active gear as define in this ordinance.

Violators of the prohibitions shall suffer the following penalties:

- 1) The boat captain/acting boat captain and master/acting master fisherman and fishworker who participated in the violation shall suffer the penalty of imprisonment from one (1) year to five (5) years.

Thousand Five Hundred Pesos (P1,500.00) to Eighteen Thousand Pesos (P18,000.00) upon the discretion of the court.

If the owner/operator is a corporation the penalty shall be imposed on the chief executive officer of the corporation.

If the owner/operator is a partnership the penalty shall be imposed on the managing partner.

- 3) The catch shall be confiscated and forfeited in favor of the city

SECTION 22. Fishing Through the use of explosive noxious or Poisonous Substance, and/or Electricity.

- 1) It shall be unlawful for any person to catch, take or gather or cause to be caught, taken or gather, fish or any fishery species in the city waters of Ormoc with the use of electricity, explosives, noxious or poisonous substance such as sodium cyanide which will kill stupefy, disable or render unconscious fish or fishery species, except for research, educational or scientific purposes only with approval from the Department of Agriculture and properly endorsed by LGU of

Ormoc City. It will likewise so be unlawful for any person, corporation or entity possess, deal in, selling in any manner which have been illegally caught takes or gathered.

The discovery of dynamite, other explosive and chemical compounds which contain combustible elements, noxious/poisonous substances, or equipment or device for electro fishing in any fishing vessel or in the possession of any fisherfolk, operation, fishing boat officials or fishworker shall constitute, prima facie evidence, that the same was used for fishing in violation of this ordinance.

- 2) Mere possession of explosive, noxious substances or electro fishing devices for illegal fishing shall be punishable by imprisonment ranging from six (6) months to one (1) year.
- 3) Actual use of explosive, noxious or poisonous substances or electro fishing devices for illegal fishing shall be punishable by imprisonment ranging from four (4) years to eight (8) years without prejudice to the filing of separate criminal cases when the use of the same result to physical injury or loss of human life.
- 4) Dealing in, selling or any manner disposing of for profit, illegally caught/gathered fishery species shall be punished by imprisonment ranging from six (6) months to one (1) year.
- 5) In all cases enumerated above, the explosives, noxious or poisonous substances and electrical devices, as well as the fishing vessels, fishing equipment and catch shall be forfeited in favor of the City.

SECTION 23. Aquatic Pollution. Aquatic pollution as defined in this ordinance shall be unlawful.

Violation of the provision of this section, pursuant to R.A. 8850, Sec. 102, shall be punished by imprisonment of six (6) years and one (1) day to ten (10) years and/or a fine of Seventy Thousand Pesos (Php 70,000.00) plus an additional fine of Five Thousand Pesos (Php 5,000.00) per day until such violation cases and the fines paid.

SECTION 24. Other Violation. The following fisheries activities shall be considered as violation of this ordinance.

- a) Failure to submit monthly report of the fish caught or production. The licensee, lease or grantee of a fishing privileges within the City waters of Ormoc who fails to submit their consolidated monthly report of fish caught/production shall be subjected to the following penalties:
 - 1) First offense, a fine of One Hundred Pesos (Php 100.00) per unreported month.
 - 2) Second offense, a fine of Two Hundred Pesos (Php 200.00) per unreported month of the annual period.
 - 3) Third offense, cancellation or denial for renewal of license, permit or grant.
- b) Gathering and Marketing of Shell Fishes. It shall be unlawful for any person to take, sell, transfer, or have in possession for any purpose any shell fish which is sexually mature or in the process of spawning or below minimum size prescribed for the specie. Provided that, for the blue and mud crab (masag or

alimango) the prescribed size of the carapace should not be less than four (4) inches. Violation of the above prohibited acts shall subject the offender to a fine ranging from Five Hundred Pesos (Php 500.00 to Two Thousand Pesos (Php 1,500.00) or imprisonment from ten (10) days to six (6) months, or both of such fine and imprisonment in the discretion of the court, provided further, the local Chief Executive is hereby empowered to impose upon the first time offender to this prohibition an administrative fine of not less than Five Hundred Pesos (Php 500.00).

- c) Construction operation of Fish Corrals, traps, fish pens, fish cages, oyster/mussel/pearl and seaweeds farm without a license/permit or grant to operate. Likewise, nothing in the provision shall be construed as permitting the lessee/permittee of grantee to undertake any construction which will cause obstruction to navigation or flow or ebb of tide. Provided, through fish corrals, traps, fish pens/cages, seaweed and pearl/oyster/mussel farm shall be constructed within one hundred meters (100 m) of another structure/farm belonging to the same person or entity, in no case shall have a distance of not less than fifty meters (50 m).

Violation of the above prohibition acts shall subject the offender to a fine ranging from One Thousand Five Hundred Pesos (Php 1,500.00) to Eight Thousand Pesos (Php 8,000.00), or imprisonment from one month and one day (1 month & 1 day) to six (6) months, or both such fine and imprisonment, upon the discretion of the court. Provided further, Local Chief Executive is hereby empowered to impose upon the First Time Offender to this prohibition and Administrative fine not less than One Thousand Five Hundred Pesos (Php 1,500.00) or to cancel his license, permit or to impose such fine and to cancel his permit or license in the discretion of the Mayor.

SECTION 25. Open season and close season for fish corrals, 3 days before full moon and 3 days after the full moon, during this time the "bunuan" of the fish corrals should be left open.

Violation of the above prohibition acts shall subject the offender to cancellation of its license and a fine of One Thousand Five Hundred Pesos (P1,500.00) and an imprisonment of one (1) month and one (1) day (1 month & 1 day), upon the discretion of the court.

SECTION 26. Appropriation. The sum necessary to effectively carry out the provision of this Ordinance during the first year of the implementation shall be sourced from the budget of the office of the City Agricultural Services Office (CASO). Provided, however, that such amount as may be necessary to carry out provision of Section 14, and 16, 17 respectively are hereby appropriated from Twenty Percent (20%) Development Fund or from the fees and fine generated in the enforcement of this ordinance. Provided further, that the Sangguniang Panlungsod shall appropriate a regular budget for the City Fishery Management and Licensing Unit in the amount of Seven Hundred Thousand Pesos (P700,000.00) for the succeeding year and to be incorporated to the Regular Budget of the Office of the City Agricultural Services Office (CASO).

SECTION 28. Repealing Clause. Ordinance No. 02 Series of 1993 otherwise known as Ordinance Regulating Fishing and Fisheries in the City Waters of Ormoc, and other existing Fishery Laws, Rules and Regulations or part thereof, which are inconsistent with this ordinance, are hereby repealed or modified accordingly.

SECTION 29. Separability Clause. If any portion or provision of this ordinance is declared unconstitutional or invalid the other portion or provision thereof which are not affected, shall continue in full force and effect.

SECTION 30. Effectivity. This Ordinance shall take effect Fifteen (15) days after its approval and posting in City Halls and other strategic locations where it shall be open to public.

ENACTED, January 02, 2003.

RESOLVED, FURTHER, to furnish copies of this Ordinance one each to His Honor, the City Mayor; the City Administrator, the City Legal Officer, the City Treasurer, the City Prosecutors Office, the Municipal Trial Court in Cities, the City Police Director, OCPD, the Precinct Commander, PP1, the Ormoc Maritime Police and others concerned, - all in Ormoc City.

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.

OSCAR P. LASAM
Secretary to the
Sangguniang Panlungsod

ATTESTED:

CELSD P. ADOLFO
Vice Mayor & Presiding Officer

APPROVED:

CARMELO J. LOCSIN
City Mayor

JAN. 6, 2003
(Date)