

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 HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON OCTOBER 11, 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. Edgar Z. Palugod,	ABC President, Kagawad
Hon. Nelson DL Geneston,	Industrial Labor Sector, Rep., Kagawad

ABSENT:

Hon. Sixto T. Pongos, (Sick Leave)	Kagawad
------------------------------------	---------

RESOLUTION NO. 126 ✓

The Honorable Sangguniang Panlungsod ng Ormoc, on motion of Kagawad Rodolfo L. Rivilla, Jr., Chairman, Committee on Natural Resources, severally seconded by mga Kagawad Eufrocino C. Codilla, Jr., Gregorio A. Yrastorza, Jr., Benjamin F. Tugonon and Nelson L. Geneston;

RESOLVED, to adopt:

ORDINANCE NO. 23 ✓
Series of 1990

AN ORDINANCE REGULATING FISHING AND/OR FISHERY PRIVILEGES IN THE CITY OF ORMOC, PROVINCE OF LEYTE, AND FOR OTHER PURPOSES.

BE IT ORDAINED, by the Fifth Sangguniang Panlungsod ng Ormoc, That:

SECTION 1. This Ordinance-shall be known as the Basic Fishery Ordinance of this city and shall be enforced in conjunction with the laws, decrees, orders, rules and regulations on fishing and/or fisheries already promulgated or that may later, be promulgated regarding the matter.

SEC. 2. Municipal waters. - For the purpose of this Ordinance, the words 'municipal waters' include not only streams, lakes, and tidal waters included within the municipality, not being the subject of private ownership, and not comprised within national parks, public forests, timber lands, forest reserves, or fishery reserves, 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 and three nautical miles from such coastline. Where two municipalities are so situated on the opposite shores that there is less than six nautical miles of marine waters between

them, the third line shall be a line equi-distant from the opposite shores of the respective municipalities.

✓ SEC. 3. License permit, fishery grant. - It shall be unlawful for any person, cooperative, partnership, association or corporation to take or catch fish or other aquatic products by means of nets, traps, or other fishing gears in the municipal waters of this municipality or by means of fishing boats or vessels three tons gross or less, unless provided with the necessary license permit issued for the purpose by the Municipal Treasurer. It shall be likewise illegal for any person, cooperative, partnership, association or corporation to operate fish corrals or oyster culture beds or take or catch "bangus" fry or fry of other species for propagation within the jurisdiction of this municipality without first securing a municipal grant therefore conferred as provided by law and this Ordinance.

✓ SEC. 4 Persons eligible for fishing and/or fishery privileges. The following are, under this Ordinance, eligible for fishing and/or fishery privileges:

(a) Citizens of the Philippines.

(b) Cooperatives, partnerships, associations or corporations duly registered or incorporated under the laws of the Philippines and authorized to transact business in the Philippines, and at least sixty per centum (60%) of whose capital stock belong wholly to citizens of the Philippines.

It shall be unlawful for persons, cooperatives, partnerships, associations or corporations not qualified by the law and this Ordinance for the effect, to engage, personally or through other person, in fishing or catching or collecting aquatic products in the municipal water within the jurisdiction of this municipality.

✓ SEC. 5 Division and classification of municipal waters. - The municipal waters within the jurisdiction of this municipality shall be divided and classified as follows:

✓ A. For the erection of fish corrals:

Minimum
Annual Rental

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.

P2,000.00

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.

2,000.00

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.

2,000.00

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.,
1,600.00 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.

2,000.00

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.

2,000.00

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.

2,000.00

✓ B. For the catching or taking of "banqus" fry or "Kawag-kawag":

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.

2,000.00

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.

2,000.00

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.

Government Bangus
Fry Reservation

SEC. 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 whole area earmarked for the gathering of fry in Zone 8-A within its municipal waters, under Sec 5 of this basic fishery ordinance, as maybe designated by the Department of Agriculture as government "bangus" fry reservation.

SEC. 7 Exclusive Fishery Privileges. - Operating fish corrals, oyster culture beds or the catching of "bangus" fry or fry of other species for propagation shall be considered as exclusive fishery privileges which shall be granted always to the highest bidder in public bidding held according to the provisions of this ordinance.

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.

SEC. 8. Issuance of individual licenses in case no bidders opt to lease fishing zones. - If, after two notices for the grant of exclusive fishery rights thru public auction, no interested bidders opt to lease any fishing zone within the municipal waters, the Sangguniang Panlungsod is authorized to grant the privilege of erecting fish corrals, operating oyster culture beds, or catching "bangus" fry or "Kawag-kawag" within a definite area or portion of the municipal waters to individuals upon payment of license fees therefore at the rates not exceeding those fixed hereunder:

(1) Fish corrals erected in the sea: / Annual Fee

Less than 3 meters deep	P 30.00
3 meters deep or more but less than 5 meters deep	60.00
5 meters deep or more but less than 8 meters deep	200.00
8 meters deep or more but less than 10 meters deep	360.00
10 meters deep or more but less than 15 meters deep	500.00
15 meters deep or more	800.00

(2) Catching "bangus" fry or "Kawag-kawag": /

Less than 1,000 square meters	500.00
1,000 sq. m. or more but less than 2,000 sq. m.	600.00
2,000 sq. m. or more but less than 4,000 sq. m.	1,500.00
4,000 sq. m. or more but less than 6,000 sq. m.	2,200.00
6,000 sq. m. or more but less than 8,000 sq. m.	3,000.00
8,000 sq. m. or over	4,000.00

(3) Fish corrals in inland fresh waters: /

With an area of less than 500 sq.m.	100.00
With an area of 500 sq.m. or more but less than 1,000 sq.m.	200.00
With an area of 1,000 sq.m. or more but less than 5,000 sq.m.	360.00
With an area of 5,000 sq.m. or more but less than 10,000 sq.m.	500.00
With an area of 10,000 sq.m. or more	800.00

SEC. 9. Application for exclusive fishing privileges. - Applications for any of the exclusive fishery privileges mentioned in the preceeding section shall be made on official form duly approved by the Sangguniang Panlungsod.

✓SEC. 10. To whom to submit application. - All applications shall be forwarded to the Municipal Secretary who shall submit the same to the Municipal Mayor. Upon receipt of the application, the Municipal Mayor shall satisfy himself that the license applied for will not prejudice public interest and that the portion or area for which an application for lease has been presented is not covered by any subsisting lease.

✓SEC. 11. Committee on Auction. - A committee on auction is hereby created to compose of the Municipal Treasurer, as Chairman, and two members of the Sangguniang Bayan, as members (In the composition of the committee on auction, the office of the Municipal Treasurer should be represented by the Treasurer. Membership in said committee is entirely within the discretion of the Sangguniang Bayan.

✓SECTION 12. Publication of Notice. - The committee on auction shall advertise for sealed bids for exclusive fishery privilege in areas or zones of the municipal waters available for erecting fish corrals, or construction or operating oyster culture beds, or taking or catching "bangus" fry or fry of other species for propagation by posting said notice in a newspaper published in the locality, if any, for a period of not less than fifteen (15) days.

✓SEC. 13. Time and place of auction. - The Sangguniang Bayan shall, in a resolution, provide for a notice calling for sealed bids for the exclusive fishery privilege granted under Section 29 of Presidential Decree No. 704, specifying the time and place of the auction, the amount to be deposited, before an individual or an entity is entitled to participate, the procedure to be followed by the Committee on Auction before any exclusive privilege is granted and the bond as guarantee of good faith and for satisfactory compliance with the terms of the lease or grant. The bond shall be in cash, in real estate situated within the Philippines or by surety company authorized for that purpose in an amount not less than two years rental.

✓SEC. 14. Municipal concessions and leases concerning fisheries. - No lease or concession granted by the Sangguniang Bayan under authority of 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, approves the same.

✓SEC. 15. License permit. - The privilege of taking or catching fish in the municipal waters of this municipality with nets, traps or other fishing gears with or without using therefor fishing boats or vessels three tons gross or less, shall be granted under ordinary license permit issued by the Municipal Treasurer to any person, cooperative, partnership, association or corporation qualified under Section 4 of this Ordinance upon payment of the corresponding license permit fee required therefor in the following:

GENERAL SCHEDULE OF LICENSE FEE

Item No.	: Kind of fishing gear (Such as nets, traps, or other fishing gears)	: License fee per year Reasonable license fees of not more than P50.00
1.	: (vernacular in Bicol, Cebu, Palawan <u>Fishermen using nets:</u>	
a.	: Bancuerna	: P50.00
b.	: Pangki	: 50.00
c.	: Pabbas	: 50.00
d.	: Largarate	: 50.00
e.	: Sarap	: 40.00
f.	: Panapao	: 40.00
2.	: <u>Fishermen using traps:</u>	
a.	: Ansang	: 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
3.	: <u>Fishermen using hook & Line:</u>	
a.	: without light	: 15.00
b.	: with torch used in fishing	: 20.00
c.	: with "Petromax" used in fishing	: 25.00
4.	: <u>Fishermen using other fishing gears:</u>	
a.	: Bahan	: 30.00
b.	: Baling	: 30.00
c.	: Panti	: 20.00
d.	: Bitana	: 25.00
e.	: Bocatot Padarao	: 80.00
f.	: Sahid	: 15.00
g.	: Laya	: 15.00
h.	: Anud	: 15.00
i.	: Sagiwsiw	: 15.00
j.	: Patuayan	: 30.00
k.	: Lukayan	: 30.00
l.	: Lukob	: 25.00

Provided, That no other fee shall be collected from fishermen duly licensed by other municipality unless the license fees paid by them in that municipality are less than those prescribed above, in which case the difference between the two annual fees maybe collected: Provided, Further, That fishing boats of more than three tons gross and fishermen licensed by the National Government shall not be subject to the requirements of this ordinance, especially the payment of municipal license tax, fee or charge: Provided, Furthermore, That the residents of this municipality who have not been granted license for commercial fishing shall be allowed to fish in municipal waters for their home consumption: Provided, Finally, That it

shall be beyond the power of this Sangguniang Bayan to impose a license for the privilege of gathering marine mollusca or the shells thereof, for pearling boats and pearl divers, or for prospecting, collecting, or gathering sponges or other aquatic products, or for the culture of fishery/aquatic products: Provided, Lastly, That they shall not fish within two hundred (200) meters from any fish corral operated under exclusive privilege granted by the municipality in accordance with this Ordinance.

License permits issued under this section shall be valid for the year in which they are used.

SEC. 16. Report of fish caught. - Any individual or entity who has obtained a fishery grant or license to take or catch fish in the municipal waters of the municipality shall submit to the Municipal Treasurer of the municipality wherein he is fishing within the first ten days of each month, a monthly report in triplicate copies, showing the kind, quantity and value, if sold, of fish caught during the month: Provided, That this Sangguniang Bayan shall furnish the Bureau of Fisheries and the Aquatic Resources, for statistical purposes, on forms which shall be furnished by the Bureau, such information and data on fishery matters as are reflected in such forms.

SEC. 17. Restrictions. - Licenses and permits issued or contracts executed under this Ordinance shall contain provisions to the effect that:

(a) No fish corral or "baklad" shall be constructed within two hundred (200) meters of another fish corral in marine fisheries or one hundred (100) meters in fresh water fisheries, unless they belong to the same license/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.

(b) No fish corrals shall be constructed less than fifty (50) meters from the shoreline

(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.

(d) All fishermen with barotos and bancas especially those with nets are prohibited to fish along the pier at a distance of 100 meters from all sides of the pier.

(e) Nothing in the license shall be construed as permitting the lessee or licensee, grantee or permittee or undertake any construction which will obstruct the free navigation in any stream or lake flowing through or adjoining the fish corral, or impede the flow and ebb of the tide to and from the area, wherein the lessee or licensee, grantee or permittee is granted a fishery privilege.

(f) The licensee agrees unconditionally to comply with all the laws, decrees, orders, rules and regulations governing fishing now, or which any hereafter be enforced.

(g) The licensee assumed responsibility for any and all acts of his agents and employees of the contractors connected with his fishing operation.

(h) Failure to pay any fee or file a bond when due as prescribed in the permit, license, contract or regulation shall be sufficient reason for the cancellation of the license, permit or contract.

✓ SECTION 18. Additional Conditions in the Contract of Lease. - 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 provisions therein or of any condition prescribed in duly issued rules and regulations of the administering government agency or instrumentality.

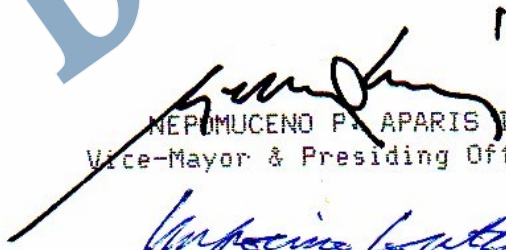
✓ SEC. 19. Penalty. - Any individual or entity found violating any of the provision of this Ordinance shall be punished by a fine of not more than one thousand pesos or imprisonment of not exceeding six months, or both such fine and imprisonment at the discretion of the court.

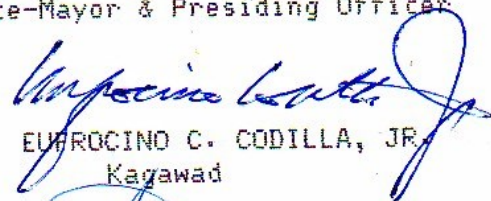
✓ SEC 20. Repeal. - All ordinances and regulations or parts thereof in conflict with this ordinance are hereby repealed.

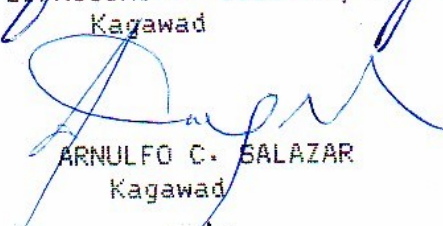
✓ SEC. 21. Effectivity. - This Ordinance shall take effect upon the approval of the Secretary of Agriculture.

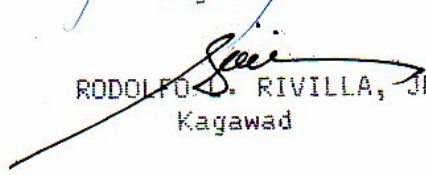
ENACTED, October 11, 1990.

CARRIED UNANIMOUSLY.

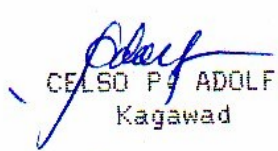

NEPUMUCENO P. APARIS
Vice-Mayor & Presiding Officer

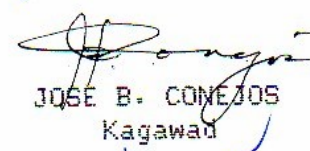

EUFROCINO C. CODILLA, JR.
Kagawad



ARNULFO C. SALAZAR
Kagawad


RODOLFO D. RIVILLA, JR.
Kagawad

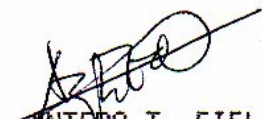

GREGORIO A. YRASTORZA, JR.
Majority Floor Leader


CELSD P. ADOLFO
Kagawad



JOSE B. CONEJOS
Kagawad


BENJAMIN F. TUGONON
Kagawad

(RES. NO. 126 S. 1990, ORD. NO. 23)


ANTERO T. FIEL
Kagawad


EDGAR Z. PALUGOD
Kagawad



CELSO R. PORCADILLA
Kagawad


NELSON D. GENESTON
Kagawad


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


OSCAR B. LASAM
City Secretary

ATTESTED BY:


MARIA VICTORIA L. LOCSIN
City Mayor

APPROVED:


Secretary of Agriculture

/intm90