

DATE: 12-27-93
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LUNGSOD NG ORMOC

REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC

27 DEC. 1993 5:00 PM
OFFICE OF THE CITY MAYOR
ORMOC CITY

SANGGUNIANG PANLUNGSOD
RECEIVED
DATE: 1-4-94
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LUNGSOD NG ORMOC

OFFICE OF THE CITY MAYOR
12-28-93
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EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SIXTH
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE
PLACIDO ENECIO SESSION HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON DECEMBER 23, 1993

Hon. Benjamin F. Tugonon,	Vice-Mayor & Presiding Officer
Hon. Sotero M. Pepito,	Majority Floor Leader, Kagawad
Hon. Jose B. Conejos,	Assistant Majority Floor Leader, Kagawad
Hon. Celso P. Adolfo,	Kagawad
Hon. Sixto T. Pongos,	Kagawad
Hon. Benjamin B. Lladoc,	Kagawad
Hon. Mariano Y. Corro,	Kagawad
Hon. Nestor C. Fenserga,	Kagawad
Hon. Claudio P. Larrazabal,	Kagawad
Hon. Jose C. Alfaro, Jr.,	Kagawad
Hon. Alfredo F. Capahi,	Kagawad
Hon. Fernando P. Parrilla,	ABC President, Ex-Officio, Kagawad

ABSENT:

Hon. Angelyn R. Paca, (On Leave), SK Fed. Pres., Ex-Officio, Kagawad

RESOLUTION NO. 227

WHEREAS, the existing ordinance, known as Ordinance No. 23, Series of 1990, regulating fishing and/or fishery privileges in the City of Ormoc, was enacted prior to the effectivity of Republic Act 7160, otherwise known as the Local Government Code of 1991;

WHEREAS, the aforementioned existing ordinance regulating fishing and/or fishery privileges has provisions which are not consistent with the provisions of the Local Government Code of 1991, hence, revision thereof, becomes imperative;

WHEREFORE, premises considered, on motion of Kagawad Mariano Y. Corro, Chairman, Committee on Laws and Ordinances, in collaboration with Kagawad Claudio P. Larrazabal, Chairman, Committee on Agriculture, Labor & Agrarian Reforms Kagawad Jose C. Alfaro, Jr., Chairman, Committee on Natural Resources & Environmental Control, duly seconded by Kagawad by Kagawad Benjamin B. Lladoc; be it

RESOLVED, to enact:

ORDINANCE NO. 38

AN ORDINANCE REVISING ORDINANCE NO. 23, SERIES OF 1990, REGULATING FISHING AND/OR FISHERY PRIVILEGES IN THE CITY OF ORMOC, AND FOR OTHER PURPOSES.

BE IT ORDAINED, by the 6th Sangguniang Panlungsod ng Ormoc, that:

SECTION 1. This Ordinance shall be known and cited as the 1993 Basic Fishery Ordinance of Ormoc 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.

SECTION 2. Definition of Terms. - For the purposes of this Ordinance the following terms shall mean:

- a) CITY - means the City of Ormoc;
- b) Municipal Waters - For the purposes of this Ordinance, the words "municipal waters" include not only streams, lakes, and tidal waters included within the City, 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 City touch the sea at low tide and a third line parallel with the general coastline and 15 kilometers from such coastline. Where two cities/municipalities are so situated on the opposite shores 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 cities.
- c) Marginal Fisherman - refers to an individual engaged in subsistence fishing which shall be limited to the sale, barter or exchange of marine products produced by himself and his immediate family.
- d) Fishing with the use of Explosives - means, the use of dynamite, other explosives, or chemical compound that contains combustible elements or ingredients that, upon ignition by friction, concussion, percussion or detonation of all or parts of the compound kill, stupefy, disable or render unconscious any fish or fishery/aquatic products. It shall also refer to the use of any other substance and/or device that causes explosion capable of producing the said harmful effects of fish or fishery/aquatic products.
- e) Fishing with the Use of Obnoxious or Poisonous Substance - means the use of any substance, plants, extracts or juice thereof, chemicals, whether in raw or processed form, harmful or harmless to human beings, which kills, stupefy, disable, or render unconscious fish or fishery/aquatic products.
- f) Fine-Meshed Net - means all nets, webbings, whether made of natural fibers, synthetic or any other materials used in fishing with a mesh-size less than three (3) centimeters measured between two (2) opposite knots of a full-mesh when stretched.
- g) Fishing/Light Boat - all boats such as bancas, sailboats, motorboats or any other type of watercraft used for fishing purposes; PROVIDED: That any such boat used for the purpose of transporting the fish from the fishing ground to the market in the course of fishing operations shall be considered as a fishing boat.
- h) Hulbot-hulbot/Liba-Liba (pahulbot-hulbot/palusot/patangko/birabira/hulahoop) - refers to a fishing gear consisting of a conical shaped net with a pair of wings, the ends of which are connected to two ropes with buri, plastic-strips of any similar materials to serve as scaring/herding device with hauling ropes passing through a metallic ring permanently attached to a weight (linggote) when hauled into a fishing boat.

- i) Muro-Ami (drive-in-net) - means a Japanese fishing gear used in reef fishing which consists of a movable bag net and two detachable wings effecting the capture of fish by spreading the net in, are form around reefs or shoals and with the aid of scaring devices, a cordon of fishermen drive the fish from the reefs towards the bag portion of the whole net.
- j) Kayakas - means the local version of the MURO-AMI but smaller in size using bamboo/trunk of trees as scare devices aside from coconut or other leaves or materials as scarelines to drive the fish out of the coral reefs.
- k) Scarelines - means a device made up of ropes and the like usually measuring 30 to 60 meters long with styrofoam, bamboo or synthetic materials used as floats at both sides of the rope, and stones, lead or iron chains of about 2 to 5 kilos as weights. Along the ropes to which the weights are tied are 8 to 10 white plastics measuring 1 inch to 3 feet long or other leaves or materials tied at one meter intervals starting from the weight.
- l) Electro-Fishing - means the use of electricity generated by dry-cell batteries, electric generators or other sources of electric power to kill, stupefy, disable or render unconscious fish or fishery/aquatic products in both fresh and salt water areas.
- m) Fish and Fishery/Aquatic Products. - Fish includes all fishes and other aquatic animals such as crustaceans (crabs, prawns, shrimps and lobster), mollusks (clams, mussels, scallops, oysters, snails and other shellfish.) Fishery/aquatic products include all other products of aquatic living resources in any form.
- n) Closed Season - refers to the period during which fishing is prohibited in a specified area or areas in Philippine waters or to the period during which the catching or gathering of specified species of fish or fishery/aquatic products or the use of specified fishing gears to catch or gather fish or fishery/aquatic products is prohibited.

SECTION 3. a) 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 City 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 City Mayor of Ormoc upon recommendation of the Municipal Agricultural Officer.

- b) It shall be likewise illegal for any person, cooperative, partnership, association or corporation to operate fish corrals, fish pens, oyster, mussels and aquatic product culture beds or take or catch "bangus" fry or fry of other species for propagation within the jurisdiction of this City without first securing a City grant therefore conferred as provided for by law and this Ordinance.

SECTION 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.

SECTION 5. It shall be unlawful for persons, cooperatives, partnerships, associations or corporations not qualified by the law and this Ordinance to engage, personally or through other person, in fishing or catching or collecting aquatic products in the municipal water within the jurisdiction of this City.

SECTION 6. Division and classification of municipal waters. - The municipal waters within the jurisdiction of this City shall be divided and classified as follows:

A. For the erection of fish corrals:

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 39 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 "Kaway-kaway":

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;

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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.

SECTION 7. 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 City hereby sets aside not more than one-fifth (1/5) of the whole area earmarked for the gathering of fry in Zone 8 within its municipal waters, under Sec 6 of this basic fishery ordinance, as "bangus" fry reservation.

SECTION. 8. 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. Duly registered organizations and cooperatives of marginal fishermen shall have preferential rights to such privileges. In the absence of duly registered organization or cooperatives of marginal fishermen or their failure to exercise their preferential rights, other parties may participate in the public bidding.

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 provided for in Section 19 of this Ordinance.

SECTION 9. Issuance of individual licenses. - Individual licenses shall be granted for the privilege of erecting fish corrals, operating oysters culture beds, or catching bangus fry or "Kawag-kawag" within a definite area or portion of the municipal waters upon payment of license fees therefore, at the rates fixed hereunder:

(1) <u>Fish corrals erected in the sea:</u>	<u>Annual Fee</u>
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) <u>Catching "bangus" fry or "Kawag-kawag":</u>	
Less than 1,000 square meters	500.00

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1,000 sq. m. or more but less than 2,000 sq.m.	800.00
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

(4) Operation of oyster, mussel and other aquatic culture beds:

Per Hectare.	P100.00
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(5) : Fishermen using nets: (Mesh of fish nets should not be less than 3 cm. when stretched)

a.	: Bancuerna	: P75.00
b.	: Pangki	: 50.00
c.	: Pabbas	: 50.00
d.	: Largarete	: 50.00
e.	: Sarap	: 40.00
f.	: Panapao	: 40.00

(6) : Fishermen using traps:

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

(7) : Fishermen using hook & Line:

a.	: without light	: 15.00
b.	: with torch used in fishing	: 20.00
c.	: with "Petromax" & similar device used in fishing	: 25.00

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d.	: With the use of other	:	
	: lighting device	:	50.00
(8)	:	:	
	: <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

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

SECTION. 10. Application for exclusive fishing privileges. - Applications for any of the exclusive fishery privileges mentioned in Section 9 hereof shall be made on official form as recommended by the Office of the City Treasurer and approved by the Sangguniang Panlungsod.

SECTION. 11. To whom to submit application. - All individual application shall be forwarded to the City Mayor. Upon receipt of the application, the City 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 existing lease.

SECTION. 12. Committee on Auction. - A Committee on Auction is hereby created composed of the City Treasurer, as Chairman, and two members of the Sangguniang Panlungsod, as members, namely: Chairman Committee on Agriculture and Chairman Committee on Natural Resources & Environment.

SECTION 13. 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 for a period of not less than fifteen (15) days.

SECTION. 14 Time and place of auction. - The Sangguniang Panlungsod shall, in a resolution, provide for a notice calling for sealed bids for the exclusive fishery privilege granted under Section 149 & 447 of RA 7160 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.

SECTION 15. Use of Motorized Fishing Boats or Vessels. - No motorized fishing boats or vessels three (3) gross tons or less shall be operated or used without first securing a license or permit to operate the same within the municipal waters of Ormoc from the City Mayor and upon payment of a license fee or permit according to the following schedules:

- a) below 1 ton - P 50.00
- b) 1 ton or more but not exceeding 2 tons - P100.00
- c) 2 tons or more but not exceeding 3 tons - P200.00

SECTION 16. Prohibited Fishing Gears. -

a) No person shall engage in fishing with the use of dynamite or other chemical compounds that kill, stupefy, disable or render unconscious any fish or fishery/aquatic products.

b) No person shall engage in fishing with the use of any substance, plants, extracts, or juice thereof, chemicals, whether raw or processed form, harmless to human beings, which kill, stupefy, disable, or render unconscious fish or fishery/aquatic products.

c) No person shall engage in fishing with the use of electricity generated by dry-cell batteries, electric generators, or other sources of electric power to kill, stupefy, disable or render unconscious fish or fishery/aquatic products.

d) No person shall engage in fishing using nets with mesh smaller than three (3) centimeters. Provided, that this prohibition shall not apply to species which by their very nature are smaller but already mature and during specified season as may be determined by the Sanggunian in a Resolution for catching said species.

e) No person shall operate a commercial fishing boat, pearl fishing boat of more than three (3) tons within municipal waters. However, fishing boat for scientific research or educational purposes of more than 3 tons may upon application and on meritorious cases be given a special permit by the City Mayor and for a limited period of time.

f) No person shall fish using trawl, baby trawl, muro-ami, hulbot-hulbot, bira-bira or liba-liba, buso, tapsay, bajan and other deleterious methods of fishing.

g) No person shall fish using sonar fish finder, high powered electric lights over 500 watts to prevent the municipal waters from heavy exploitation.

SECTION. 17. 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 City shall submit to the City Treasurer 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, the City Treasurer shall furnish the Bureau of Agricultural Statistics 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.

SECTION. 18. Restrictions. - Licenses and permits issued or contracts executed under this Ordinance are considered ipso facto to 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 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 City Mayor.

- (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 Secretary of Agriculture for the free passage of fishes to enable a considerable number to reach the spawning ground.
- (d) All fishermen with motorized and non-motorized bancas especially those with nets are prohibited to fish within the radius of 100 meters from the existing Ormoc City pier.
- (e) Nothing in the license shall be construed as permitting the lessee or licensee, grantee or permittee to 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, and which may 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 19. Additional Conditions in the Contract of Lease. - The Contract of Lease to be executed by and between the City 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.

SECTION. 20. Penalty. - Any individual or entity found violating any of the provision of this Ordinance shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not exceeding One (1) Year, or both such fine and imprisonment at the discretion of the court.

SECTION 21. Repeal. - All ordinances and regulations or parts thereof in conflict with this ordinance are hereby repealed.

SECTION 22. Separability Clause - Should any provision, section, or part of this Ordinance be adjudged or declared illegal or unconstitutional by any court of competent jurisdiction, such judgment shall not affect or impair the remaining provisions, sections or part which shall continue to be in force and effect.

SECTION. 23. Effectivity. - This Ordinance shall take effect on January 1, 1994.

SECTION 24. In order to comply the provisions of Article 114 of the Rules and Regulations Implementing the Local Government Code of 1991, copies of this Ordinance shall be posted for a minimum of three (3) consecutive weeks in the Bulletin Board at the entrance of the City Hall, and in at least two (2) other conspicuous and public places within the City.

ENACTED, December 23, 1993.

RESOLVED, FURTHER, to furnish copies of this Resolution-Ordinance, one each, to Honorable City Mayor Eufrocino M. Codilla, Sr., Ormoc City; the Regional Director-Department of Agriculture, Tacloban City; the Municipal Agricultural Office, Ormoc City; the Ormoc Maritime Police and the Chief of PNP, Ormoc City; the Municipal Trial Court, the Regional Trial Court, the City Prosecutors' Office, and All Punong Barangays of the coastal barangays, all in Ormoc City and to all others concerned;

CARRIED UNANIMOUSLY.

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

BENJAMIN A. TUGONON
Vice-Mayor & Presiding Officer

ATTESTED:

hymalino
HERMOLINA P. SUNALINOG
Board Secretary II

APPROVED:

EUFROCINO M. CODILLA, SR.
City Mayor

1/3/94