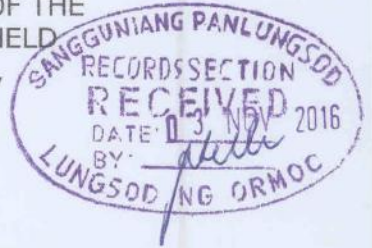




REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
FOURTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL,
ORMOC CITY HALL BUILDING
ON OCTOBER 19, 2016 IN LIEU OF
OCTOBER 20, 2016



PRESENT:

Leo Carmelo L. Locsin, Jr.
Vincent L. Rama,
Mario M. Rodriguez
Tomas R. Serafica,
Benjamin S. Pongos, Jr.,
Gregorio G. Yrastorza III
Nolito M. Quilang
John Eulalio Nepomuceno O. Aparis II,

Vice Mayor & Presiding Officer
SP Member, Asst. Majority Floor Leader
SP Member, Presiding Officer "Pro-Tempore"
SP Member
SP Member
SP Member
SP Member
SP Member

Lea Doris C. Villar
Mariano Y. Corro,

Minority Floor Leader
SP Member, Asst. Minority Floor Leader
Ex-Officio SP Member
Chapter President, Liga ng mga Barangay ng Ormoc

ON OFFICIAL BUSINESS:

Rolando M. Villasencio,

(O.B. - Cebu City),
SP Member, Majority Floor Leader
(O.B. - Cebu City), SP Member

Eusebio Gerardo S. Penserga,

PREFATORY STATEMENT

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

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

WHEREAS, the Philippine Fisheries Code of 1998 mandates all coastal Municipalities/Cities to enact ordinances that will address the sustainable management, utilization, development and conservation of the Municipal waters and its coastal and fishery resources;

WHEREAS, to regulate access to the fishery and for generating revenues for the LGUs R. A. 8550 Section 16 provides the LGUs, in consultation with FARMCS the responsibility to manage, conserve, develop, protect, utilize and disposed of all fish and fishery/aquatic resources within their jurisdiction;

WHEREAS, R.A. 8550 Section 6 mandates the LGUs to determine license fees for fishing activities within Municipal waters in consultation with the FARMCS;

WHEREAS, R.A. 7160 Section 149 (a) grants Municipalities the exclusive authority to award fishery privileges in the Municipal waters, to impose rentals, fees or charges, and particularly to issue licenses for the operation of Municipal fishing vessels;

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WHEREAS, Section 151 of the Local Government Code of 1991 provides that the City, may levy the taxes, fees, and charges which the province or municipality may impose;

WHEREAS, Maritime Industry Authority (MARINA) is mandated under Section 12 of Executive Order No. 125- A to register fishing banca and deputized Philippine Coast Guard (PCG) to register fishing banca three (3) gross tonnage and below pursuant to Department Order No. 98-1180 of the Department of Transportation and Communication (DOTC) and Maritime Industry Authority (MARINA) M.C No. 139;

WHEREAS, Executive Order no. 305 devolved to Municipal and City governments the registration of fishing vessels three (3) gross tonnage and below; WHEREAS, Section 139 (3) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, provides that the Sangguniang Bayan shall issue licenses for the operation of fishing vessels three (3) gross tonnage or less, and Section 16, 17 and 18 of RA No. 8550, otherwise known as the "Philippine Fisheries Code of 1998", provide that the LGU shall have the jurisdiction on Municipal water;

WHEREAS, the marginalized fisherfolk nationwide are faced with the difficulty of registration of fishing vessel three (3) gross tonnage and below with the national government, especially in areas where the PCG offices are inaccessible;

WHEREAS, the League of Municipalities of the Philippines, the League of Cities of the Philippines and the National Anti- Poverty Commission Fisherfolk Sectoral Council strongly recommend that the authority to undertake the registration of fishing vessels three (3) gross tonnage and below presently being performed by the PCG by authority of MARINA be devolved to the LGU s in line with their mandates under R.A. 7160 and 8550;

WHEREAS, to comply with Section 186 of LGC a public hearing was conducted on September 30, 2016 at the SP Session Hall;

WHEREFORE, on motion of SP Member Tomas R. Serafica, Chairman, Committee on Agriculture and Fisheries, severally seconded by SP Members Vincent L. Pama, Nolito M. Quilang, John Eulalio Nepomuceno O. Aparis II, Benjamin S. Pongos, Jr., Mariano Y. Corro and Lea Doris C. Villar; be it

RESOLVED, to enact:

ORDINANCE NO. 012

AN ORDINANCE GOVERNING THE MANDATORY REGISTRATION AND LICENSING OF FISHERFOLK, FISHING GEARS AND FISHING VESSELS IN THE CITY OF ORMOC, PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND FOR OTHER PURPOSES.

Be it Ordained by the Fourteenth Sangguniang Panlungsod ng Ormoc, in Regular Session assembled, that:

CHAPTER I GENERAL PROVISIONS

SECTION 1. TITLE – This ordinance shall be known as the "Mandatory Fishing Registration and Licensing Ordinance of Ormoc City".

SECTION 2. SCOPE – The ordinance shall cover all Fisherfolk, natural or juridical, including their vessels, gears and other paraphernalia which are operating in the City waters.

SECTION 3. POLICY – It is the policy of the City of Ormoc to promote the proper management, conservation, development, protection and utilization of its City waters. It shall regulate the utilization of its coastal and fishery resources. It shall be achieved through registration and licensing by limiting access to the fishery and aquatic resources of the City, by giving priority to the residents, and to protect the rights of the fisherfolk in the preferential use of City waters.

SECTION 4. DEFINITION OF TERMS AND ACRONYMS – As used in this Ordinance, the following terms and acronyms are defined as follows:

- a. **Admeasurements** shall mean the measure of the volumetric capacity of the fishing vessel to determine its GT.
- b. **APFD** shall refer to the Animal Production and Fisheries Division of the City Agriculture Office.
- c. **BFAR** shall refer to the Bureau of Fisheries and Aquatic Resources.
- d. **BFARMC** shall refer to the Barangay Fisheries and Aquatic Resources Management Council.
- e. **CAO** shall refer to the City Agriculture Office.
- f. **CFR** shall refer to the Certificate of Fisherfolk Registration, the proof that the fisherfolk is listed in the City Fisherfolk Registry.
- g. **CN** shall refer to the Certificate of Number, the proof of identity of the fishing vessel.
- h. **CFARMC** shall refer to the City Fisheries and Aquatic Resources Management Council.
- i. **City** shall refer to the City of Ormoc.
- j. **City Fisherfolk** shall refer to persons who are directly or indirectly engaged in city fishing and other related fishery activities.
- k. **City Fishing** shall mean fishing within City waters using fishing vessels of three (3) GT or less or fishing not requiring the use of fishing vessels.
- l. **City Waters** shall mean to include not only streams, lakes, inland bodies of water and tidal waters within the City which are not included within the protected areas as defined under Republic Act No. 7586 (THE NIPAS Law), public forest, timber lands, forest reserves, but also marine waters included between (2) lines drawn perpendicular to the general coastline from points where the boundary lines of the City/Municipality touch the sea at low tide and a third line parallel with the general coastline including offshore islands and fifteen (15) kilometers from such coastline. Where two (2) Cities/Municipalities are so situated on opposite shores that there is less than thirty (30) kilometers of marine waters between them, the third line shall be equally distant from the opposite shore of the respective Cities/Municipalities.

- m. **Community Tax Certificate*** shall refer to the proof of residence in a City or Municipality.
- n. **Fisherfolk*** shall refer to people directly or personally or physically engaged in taking and/or culturing and processing fishery and/or aquatic resources.
- o. **Fisherfolk Cooperative*** shall refer to a duly registered association of fisherfolk with a common bond interest, who have voluntarily joined together to achieve a lawful common social or economic end, making equitable contribution to the capital requirement and accepting a fair share of the risks and benefits of the undertakings in accordance with universally accepted cooperative principles.
- p. **Fisherfolk Organization*** shall refer to 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.
- q. **Fishery Species*** shall mean aquatic flora and fauna including but not restricted to fish, algae, coelenterates, mollusks, crustaceans, echinoderms and cetaceans.
- r. **Fishing*** shall mean the taking of fishery species from the wild state or habitat with or without the use of fishing vessels.
- s. **Fishing Gear*** shall refer to any instrument or device and its accessories utilized in taking fish and other fishery species.
- t. **Fishing License*** shall refer to a permit to fish using specific types of fishing vessel(s) gear and other fishing paraphernalia for a specified duration in City waters, granted only to registered fisherfolk.
- u. **Fisherfolk Registration*** shall refer to the act/process of enlisting fisherfolk for the purpose of determining priorities among them, of limiting entry into municipal waters and of monitoring activities/and or other purposes.
- v. **Fishing Vessel*** refer to any boat, ship or other watercraft equipped to be used for taking of fishery species aiding or assisting one (1) or more vessels in the performance of any activity relating to fishing, including but not limited to, preservation, supply, storage, refrigeration, transportation, and/or processing for the purpose of this ordinance, any watercraft used for fishing or in support to fishing operations in City waters weighing three (3) GT and below.
- w. **Gross Tonnage (GT)*** shall mean the product of vessel tonnage length, vessel depth, tonnage breadth of the vessel multiplied by a factor of 0.070 divided by 2.83.
- x. **Homeport*** shall refer to the locality where the fishing vessel is registered.

- y. **LGUs** shall refer to local government units; shall refer to Provinces, Cities, Municipalities and Barangays.
- z. **Limited Access** shall refer to a fishery policy by which a system of equitable resource use and allocation is established by law through fishery rights granting and licensing procedure as provided by the Philippine Fisheries Code.
- aa. **MARINA** shall refer to the Maritime Industry Authority.
- bb. **Motorized Fishing Vessel** shall refer to a fishing vessel propelled by mechanical means.
- cc. **Net Tonnage** shall mean the GT multiplied by a factor 0.32.
- dd. **New Entrants to Fishery** shall refer to fisherfolk which are classified as (a) new generation of fisherfolk; (b) fisherfolk changing homeports; or (c) returning fisherfolk (those who have stopped fishing temporarily).
- ee. **New Fishing Vessel** shall refer to vessels which are used by (a) new generation of fisherfolk; (b) fisherfolk changing homeports; or (c) returning fisherfolk (those who have stopped fishing temporarily).
- ff. **PCG** shall refer to the Philippine Coast Guard.
- gg. **Permit to Fish** shall refer to a permit to fish using specific types of vessel(s) gear and other paraphernalia for a specified duration in City Waters granted only to registered fisherfolk.
- hh. **Registered Breadth** shall mean the transverse distance taken at a widest part of the hull, excluding rub rails from the outer board side of the skin on one side of the hull to the outboard side of the skin on the other side of the hull.
- ii. **Registered Depth** shall mean the vertical distance taken at or near mid ships from a line drawn horizontally through the gunwale of the skin of the sides of the hull (excluding the rail) to the outboard face of the bottom skin of the hull excluding the keel.
- jj. **Registered Length** shall mean the horizontal distance between the outbound side of the foremost part of the stern and the outboard side of the aftmost part of the stern, excluding fittings and attachments.
- kk. **Returning Fisherfolk** shall refer to fisherfolk who have stopped fishing temporarily but are now resuming their fishing activities.
- ll. **Tonnage Breadth** is measured at the mid part from the gunwale inside of the skin of the hull to the inside of the skin on the other side of the hull.
- mm. **Tonnage Depth** is measured at the centerline from a point below the line of the tonnage deck. Measurement taken at right angle to the vessel centerline of the vessel down to the inboard of the bottom skin of the hull.

nn. **Tonnage Length** shall refer to the length measured at the center line of the fishing vessel from the point forward where the line of the tonnage deck intersects the line of the inboard faces at the stem to the point aft where the line of the tonnage deck intersects the inboard face of the stern.

oo. **Tonnage Registration** shall mean as the act/process of enlisting a fishing vessel three (3) GT and below for the purpose of establishing its identity and ownership by assigning it a permanent number recorded in the City Registry of city fishing vessels.

CHAPTER II

REGISTRATION OF FISHERFOLK AND THEIR FISHING GEARS

SECTION 5. REGISTRATION OF FISHERFOLK AND THEIR FISHING GEARS – All qualified fisherfolk shall be registered with the City through the CAO. This includes City fisherfolk operating on a full-time or part time basis. Registration shall cover new entrants and returning fisherfolk. All fishing gears and/or paraphernalia to be used by the applicant fisherfolk shall be registered simultaneously.

No person shall be permitted to engage in fishery related activities in the City Waters unless they are listed in the City Fisherfolk Registry. Only duly registered fisherfolk and fishing gears, shall be issued a license pursuant to chapter IV of this ordinance. City fisherfolk shall be qualified to secure a license, upon filling-up completely the prescribed application form.

Registered fisherfolk shall carry with them Certificate of Fisherfolk Registration and license at all times when engaged in fishing operations and present or surrender the same, whenever and wherever requested by the PNP Maritime Group, BFARMC/CFARMC, Bantay Dagat personnel and other duly authorized law enforcers.

SECTION 6. QUALIFICATION/ELIGIBILITY – Only the City Fisherfolk who meets the following eligibility requirement shall be allowed to register.

- a. A citizen of the Philippines;
- b. Must be directly or personally and physically engaged in the taking, culturing, preserving, processing, marketing, developing, conserving fishery and/or aquatic resources.
- c. A resident of the City for at least six (6) months; and,
- d. At least eighteen (18) years of age.

SECTION 7. FISHERFOLK REGISTRATION REQUIREMENTS AND PROCEDURE:

1. The applicant fisherfolk shall first secure a Barangay Clearance from the barangay where he or she is residing.
2. The applicant fisherfolk shall secure his CTC from the Barangay/City Treasurer's Office.
3. The applicant fisherfolk shall proceed to the City Agriculture Office to accomplish the Standard Fisherfolk Registration Form.
4. The applicant shall submit the accomplished registration form together with the Barangay Clearance and CTC to the CAO who shall verify and evaluate the submitted documents.

5. The CAO shall process the CFR and forward the documents to the City Mayor for approval before finally issuing the CFR to the Fisherfolk.

SECTION 8. ISSUANCE OF CERTIFICATE OF FISHERFOLK REGISTRATION (CFR) – The CAO shall verify and evaluate the submitted documents and upon finding the registrant has complied with the documentary requirements, the CAO shall process and facilitate the issuance of the Certificate of Fisherfolk Registration for the approval of the City Mayor or his duly authorized representative. The CFR issued to the City Fisherfolk shall be valid for as long as the fisherfolk continues to engage in any fishery related activities.

The CAO shall assign a CFR control number to each registered fisherfolk which shall correspond to a code specifying the Province, City and Barangay of residence. The codes for the province and the City shall be similar to the vessel registration codes provided in chapter III of this ordinance i.e. LE for the Province and OM for the City. The code for the Barangay of residence, year of registration and number of fisherfolk shall be provided by the City.

SECTION 9. MAINTENANCE OF FISHERFOLK REGISTRY – The City, through the CAO, shall keep a registry of fisherfolk and/or their organizations. Gear types and specifications shall be incorporated in the Registry of Fisherfolk in as much as the City fisherfolk and his fishing gear and/or paraphernalia are registered simultaneously.

The CAO shall maintain and update the registry of fisherfolk and their fishing gear with the assistance of the CFARMC/BFARMC and submit the updated registry to the Office of the Mayor. The Sangguniang Barangay with registrant/registrants residing in their Barangay shall be furnished a copy of the registry to be posted in Barangay halls and in other strategic locations where it shall be open to the public for validation of the correctness and completeness of the list.

The City through the CAO shall regularly submit the list of fisherfolk registered and deleted/cancelled from the registry within the first quarter of the succeeding year to the BFAR- Fisheries Information Management System.

CHAPTER III REGISTRATION OF FISHING VESSELS 3-GT AND BELOW

SECTION 10. REGISTRATION OF FISHING VESSELS –Only fishing vessels three (3) gross tons or below shall be allowed to fish in City Waters and shall be registered with the City through the CAO. In the case of transient fisherfolk who are duly registered with their respective LGUs, before they can be allowed to fish within City Waters, they must first secure the appropriate fishing license and pay the corresponding fees with the CAO in accordance with chapter IV and V of this ordinance.

SECTION 11. ELIGIBILITY FOR FISHING VESSEL REGISTRATION – Only those fishing vessels which are owned by Filipino citizens, single proprietorship, partnerships and/or corporations wholly owned by Filipinos, Registered Fisherfolk, Fisherfolk associations and cooperatives duly accredited/recognized by the City shall be eligible for registration.

SECTION 12. GENERAL REGISTRATION GUIDELINES FOR THE ISSUANCE OF CERTIFICATE OF NUMBER (CN). An applicant for fishing vessel registration shall submit the following documentary requirements for evaluation and processing by the City Agriculture Office:

- a. Duly Accomplished Standard Registration Application under oath using standard City Fishing Vessel Registration (CFVR Form 1) form
- b. Certified Standard Admeasurements Forms (CFVR Form 2)
- c. Two (2) 5R size (4"x 6") picture of the fishing vessel (one shot side view, full length and one perspective shot with the applicant on the side;
- d. Barangay Clearance;
- e. Clearance from the PNP- Maritime Group Headquarters or Local PNP certifying that the fishing vessel is not involved in any criminal offense.

The CAO shall verify and evaluate the submitted documents and upon finding the applicant has complied with the documentary requirements, the CAO shall process and facilitate the issuance of the Certificate of Number (CFVR Form 3) for the approval of the City Mayor or his duly authorized representative.

SECTION 13. ISSUANCE OF CERTIFICATE OF NUMBER – The CAO shall issue a Certificate of Number (CFVR Form 3) once all the documentary requirements are fully complied with. The Certificate of Number shall indicate the official serial number of the fishing vessel and its official name. The Certificate of Number shall serve as the proof of ownership of the fishing vessel.

SECTION 14. ASSIGNMENT OF OFFICIAL NUMBER – The CAO shall assign an official number to a registered fishing vessel which shall correspond to the code of the province (LE), followed by the code of the City (OM) and the serial number (not less than six digits) assigned to the fishing vessel (e.g. LEOM123456). The number shall be painted permanently not less than four (4) inches in height, on both sides of the forward portion of the fishing vessel.

SECTION 15. ASSIGNMENT OF OFFICIAL NAME – The owner/operator shall propose a name to be assigned to the registered fishing vessel. The CAO shall ensure that a name shall be assigned only to one (1) fishing vessel regardless of type of fishing gear being used, design and size of the fishing vessel. If the proposed name has already been assigned to another fishing vessel, the owner/operator may add letters of the alphabet, any Arabic number or Roman numeral to the proposed name. The name shall be painted permanently not less than four (4) inches in height, on both sides of the back portion of the fishing vessel.

SECTION 16. ISSUANCE OF NEW CN - The CAO shall issue a new CN in case the fishing vessel changes its homeport. A change in homeport may occur in case the operator decides to change residence or principal office, or sells or transfers ownership of the fishing vessel to a person or entity whose domicile is the City of Ormoc, the CAO shall, upon application for change in homeport, issue a new CN to the fishing vessel and shall include the registration of such fishing vessel in its registry.

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The CAO shall issue a new CN upon filing of an application for issuance of a new CN supported by the following documents:

- a. The original copy of the CN, and
- b. Clearance to change homeport issued by the current homeport

In the case of a fishing vessel whose operator decides to change homeport to another LGU, no clearance for the change of homeport shall be issued by the CAO under the following instances:

- a. the single proprietorship, partnership, corporation or fisherfolk cooperative has no branch office in the intended homeport;
- b. there is an outstanding safety requirement which the vessel has to comply;
- c. the fishing vessel is involved in a pending criminal or administrative case for violation of a fishery law or ordinance or a civil case regarding questions of ownership.

Upon approval of the change homeport, all records pertaining to the vessel shall be transmitted by the CAO to the new homeport and shall delete the registration of such fishing vessel from its registry.

SECTION 17. RE-ISSUANCE OF CN. The CAO shall re-issue the CN in the following instances:

- a. Change in ownership through a valid sale or any other legal means without change in homeport.
 - b. Change in the engine of motorized fishing vessel;
 - c. Change of name and/or color, and;
 - d. Loss of CN
- a. In case the fishing vessel is the subject of sale or transfer of ownership, the CAO shall re-issue the CN, containing the amended information on ownership upon application of the new owner or transferee to compliance with the following requirements:
- 1. Duly Accomplished Standard Registration Application under oath using standard City Fishing Vessel Registration (CFVR Form 1) form
 - 2. Submission of a duly notarized documents evidencing the transfer of ownership e.g. Deed of Absolute Sale;
 - 3. Posting in the Barangay or City Hall for seven (7) consecutive days giving notice that the fishing vessel has been transferred to a new owner;

4. Affidavit of Posting executed by the Punong Barangay or the City Mayor that said notice had been posted in the premises and that there are no opposition in the fishing vessel's sale, and,

5. Original copy of the CN.

b. In case of change in the engine;

In case of replacement of vessel engine, an application for the issuance of new CN shall be filed with the current homeport accompanied by the following documents:

1. The original copy of the CN
2. Official Receipt of Purchase of Engine; and
3. Police Clearance that the engine purchased is not from a carnapped/stolen vessel.

c. Change of name and/or color of the fishing vessel

The CAO shall re-issue a CN when an owner or operator desires to change the name and/or color of his fishing vessel, upon application filed with the current homeport stating the reason for such.

An application for change of name and/or color shall not be approved if the fishing vessel is involved in a civil case regarding question of ownership or in a criminal or civil case for violation of a fishery law or ordinance.

Only applications with complete documentary requirements shall be accepted. The following are the documents that should be attached to the application.

1. The original copy of the CN
2. Affidavit stating the reason for change of name and/or color
3. The posting of a notice in the Barangay or City Hall on the change of name and/or color of the fishing vessel for a period of seven (7) consecutive days;
4. Affidavit of Posting executed by the Punong Barangay or City Mayor that notice had been posted and that no opposition or claims were filed against the vessel during the seven-day period of posting.
5. Copy of the notice posted in the Barangay Hall or City Hall for seven (7) consecutive days that the fishing vessel has applied for the change of name and/or color, stating the original name and/or color of the vessel and the proposed name and/or color.

d. Loss of CN

In case of loss of CN this document should be attached to the application.

1. Affidavit of loss

SECTION 18. RENEWAL OF FISHING VESSEL REGISTRATION - Registration of all fishing vessels registered to the City thru the CAO is subject for renewal every year. Application for registration shall be submitted and processed in the City Agriculture Office (CAO) not later than the last working day of March every year. In the application for renewal of a fishing vessel's registration, the applicant shall present to the CAO the copy of the Certificate of Number of the vessel. Failure to renew the vessel's registration on the prescribed deadline shall subject the owner/operator of the said vessel to pay the penalty of 25% of the fishing vessel licensing fee.

SECTION 19. APPOINTMENT OF ADMEASURING OFFICER -The Mayor, upon approval of this Ordinance shall appoint Admeasuring Officer/s who shall conduct the appropriate vessel inspections, documentations and issuance of certificate of admeasurements. The Admeasuring Officer, who shall come from the existing permanent employees of the CAO, shall be responsible in conducting an orientation seminar for the fishing vessel owners/operators prior to the issuance of CN. The Admeasuring Officer/s shall undergo the necessary training from BFAR.

SECTION 20. DELETION AND CANCELLATION OF FISHING VESSEL REGISTRATION - The CAO may also cancel or delete the registration of any fishing vessel, after due notice for lawful causes to the owner/operator have been served and appropriate due process have been complied with, without prejudice to filing of separate criminal complaint to the proper court if found appropriate.

Registration of the fishing vessel may be cancelled or deleted due to any of the following circumstances:

The CAO, for lawful causes may cancel or delete the registration of any fishing vessel after due notice and due process have been complied with. Without prejudice to the filing of separate criminal complaint to the proper court if found appropriate.

- a. Loss or decay of the fishing vessel;
- b. Involvement of the vessel in a marine/maritime incident which rendered the fishing vessel unserviceable;
- c. Utilizing the vessel as coastwise commercial vessel;
- d. Failure to renew the vessel's registration for one year;
- e. Continued failure to display the vessel's official number and name in violation of Section 14 and 15 of this ordinance;
- f. Change homeport; and,
- g. Such other lawful causes.

SECTION 21. REGISTRY OF FISHING VESSEL -The CAO shall keep a registry of fishing vessels 3 GT and below. The registry shall be for the purpose of information generation, monitoring and regulation, establishment of identity and ownership of vessels and maritime safety.

The CAO shall maintain and update the registry of fishing vessels with the assistance of the City Fisheries and Aquatic Resources Management Council (CFARMC) and submit the updated registry to the Office of the City Mayor. The CAO shall regularly submit the list of fishing vessels registered and deleted/cancelled from the registry within the first quarter of the succeeding year to the DA-BFAR Regional Office concerned, the Philippine Coast Guard (PCG) Station/Detachment. The concerned Sangguniang Barangay shall be furnished a copy of the registry to be posted in Barangay Halls and in other strategic locations where it shall be accessible to the public for validation of the correctness and completeness of the list. The City Agriculture Office-APFD shall be provided with a computer unit, printer and digital camera which shall be utilized for the documentation and vessel registration program of the City.

SECTION 22. MONITORING OF REGISTERED FISHING VESSEL - The CAO shall institute a monitoring system to determine compliance with this ordinance.

CHAPTER IV LICENSING OF FISHING ACTIVITIES

SECTION 23. LICENSING OF CITY FISHING ACTIVITIES - All City fisherfolk shall be required to have a fishing license to be issued by the City before they can engage in any fishing activities within City waters. The fishing license shall cover the entire fishing unit which includes the fisherfolk, fishing gear and their fishing vessels:

- a. City Fishing Vessel Registration/ Certificate of Vessel Registration permit the vessel to operate within City waters.
- b. Fishing License allows fishers to fish within City waters.
- c. Fishing gear License permit ascertains that the gears used are not destructive and are consistent with those that are permitted by R.A. 8550 and any local ordinance.

No person shall be allowed to engage in fishery-related activities in the City waters unless they obtain a Fishing License.

SECTION 24. ELIGIBILITY REQUIREMENTS FOR OBTAINING A CITY FISHING LICENSE - Fishing license shall only be issued to fisherfolk:

- a. Who are duly registered in the CAO in accordance with Chapter II of this Ordinance;
- b. Whose fishing gear is duly registered in the CAO in accordance with Chapter II of this Ordinance and;
- c. Whose fishing vessel (s) is duly registered in accordance with Chapter III of this Ordinance;

The City, however, may allow fisherfolk from other LGUs to secure a license provided that (a) these fisherfolk are registered in the LGU where they reside; and, (b) resident fisherfolk shall be given priority over the use of City fishery resources. The fees and charges for non-resident fisherfolk shall be doubled the rate collected from resident fisherfolk.

SECTION 25. REQUIREMENTS FOR THE INITIAL ISSUANCE OF CITY FISHING LICENSE – Applicants for fishing license for the first time shall submit the following documents to the CAO:

- a. Duly Accomplished Fishing License Application Form (FLA Form);
- b. Certificate of Fisherfolk Registration Number;
- c. Certificate of Number (CN) for those who have fishing vessels;
- d. Clearance from the PNP Maritime Group Headquarters or in its absence, the local PNP;
- e. Official Receipt evidencing payment of the corresponding license fees.

SECTION 26. LICENSING PROCEDURES -

- a. The applicant for a license shall get an application form from the CAO and accomplish the same. To facilitate the licensing process, the application for license covering the fisherfolk, fishing gear, and fishing vessel shall be integrated in one document known as the fishing license application form.
- b. The applicant shall submit the accomplished form together with the required documents to the CAO who shall evaluate and verify the information provided in the application form.
- c. The CAO shall assess the fees and recommend the issuance of a license
- d. The applicant shall pay the corresponding fees to the City treasurer's Office which shall issue the corresponding official receipt.
- e. The applicant shall submit the official receipt to the CAO who shall process the license and forward the same to the mayor for signature before finally issuing the said fishing license to the licensee. The fishing license issued shall cover those for the fisherfolk, the fishing gear and fishing vessel, if such be the case.

SECTION 27. NON-TRANSFERABILITY OF LICENSE – Fishery license issued by the City for fisherfolk, fishing gear and fishing vessel is non-transferable.

SECTION 28. RESPONSIBILITIES OF THE LICENSE HOLDER – The responsibilities of the license holder shall include the following:

- a. Carry the duplicate or certified true copy of vessel registration and fishing license during fishing operation;
- b. Provide information on type and quantity of fish catch, fishing area, landing points and other relevant information;
- c. Comply with all laws, policies, regulations, ordinances relating to fishing activities;
- d. Submit himself or herself to the administrative process in case of violation in the terms and conditions of the license; and,
- e. Pay the administrative fines, penalties, charges, and indemnity in case of violation of the terms and conditions of the license without prejudice to prosecution in a criminal case for any violation of law arising out of the same acts.

SECTION 29. VALIDITY OF LICENSE AND RENEWAL – All registered fisherfolk, fishing gear and fishing vessels shall be issued a license upon initial application with the CAO.

Fishing license issued by the City will expire on the last day of the calendar year it was issued. It shall be valid only for the particular year it was issued, renewable annually, unless the license holder violates any of the terms and conditions of the license or unless the local government unit prescribes the limited access scheme as described below in this section.

Limited Access- Under this scheme, no new licenses shall be issued. Only existing City Fisherfolk shall be given a license to fish or be allowed to renew their license. This is to reduce fishing effort to a level that can be sustainably supported by fishery resources.

The license holder has a period of thirty days (30) prior to the expiration or thirty (30) after the expiration of the license within which to renew the same.

The fisherfolk who is unable to finish or whose vessel is undergoing repairs during a period of time inclusive of the date in which he is supposed to renew his license (date when the license expires) shall be exempted from renewing the same. He shall, however, renew his license/s immediately after he is able to fish or after his vessel is repaired.

SECTION 30. REQUIREMENTS FOR RENEWAL OF LICENSE – The fishing license may be renewed if the terms and conditions accompanying the license are complied with by the license holder, upon presentation of the licenses covering the previous period and payment of the required fees and charges.

**CHAPTER V
FEES**

SECTION 31. FISHERFOLK AND FISHING GEAR REGISTRATION FEE – Fisherfolk and fishing gear registration shall not be viewed as a revenue-generating instrument but as a basic service. The fisherfolk and fishing gear registration shall be free of charge.

SECTION 32. FISHING VESSEL LICENSING FEE –The following licensing fee shall be collected from the owner of each fishing vessel, three (3) GT and below being operated within the Municipal waters of this City.

Type of Fishing Vessel	Standard Fees
Non-motorized	₱ 50.00
Motorized (below 10 hp)	₱ 100.00
Motorized (10 hp – 16 hp)	₱ 125.00
Motorized (above 16 hp)	₱ 150.00

SECTION 33. FISHING GEAR LICENSE FEE – The fishing license shall be granted upon payment of the corresponding license fees. Registered fishers from other Cities/municipalities who will be permitted to fish within the City waters of this City shall pay double the rate fixed hereunder.

For using and engaging in the following Fishing Gears/Operations		Standard Fees
HOOK and LINE	Multiple long line / Kitang	₱ 50.00
	Long Line / Undak / Pasol	
GILL NETS	Drift Gill Net / Palotao	₱ 50.00
	Bottom Gill Net / Palubog)	
SQUID JIGS	Pangnokus	₱ 50.00
POTS and TRAPS	Panggal / Bubo	₱ 20.00 / 50 pcs.
	Bentol	₱ 10.00 / 50 pcs.
SPEAR FISHING without air support Pamana		₱ 50.00
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FISH CORRALS	Bunsod	₱ 200.00
STATIONARY LIFTNETS	Bentolan	₱ 300.00
SCOOPNET	Panikop	₱ 50.00
OTHERS		

SECTION 34. PAYMENT OF FEES - The fees herein imposed shall be paid to the City Treasurer's Office.

CHAPTER VI PROHIBITED ACTS AND SANCTIONS

SECTION 35. UNAUTHORIZED FISHING ACTIVITIES - No person, natural or juridical, shall engage in any fishing activity in City waters without registration papers and valid licenses from the City.

Any person found to be engaged in fishing without registration papers and valid licenses shall constitute a prima facie presumption that the person and/or vessel is engaged in unauthorized fishing. Any violation of the provisions of this section shall be punished by a fine of Two thousand Five Hundred Pesos (P 2,500.00) or imprisonment of not less than six (6) months or both such fine and imprisonment at the discretion of the Court.

SECTION 36. GROUNDS FOR REJECTION, REVOCATION OR CANCELLATION OF LICENSE - The licenses may be revoked or cancelled on any of the following grounds:

- a. Violation of any existing fishery laws, decree, letter of instructions or its implementing rules and regulations, and this ordinance;
- b. Non-compliance with the terms and conditions of the license;
- c. False or fraudulent statements in the application thereof by the applicant or his representatives;
- d. Failure to pay required fees
- e. Commission of the same fisheries violation for a third time; and,
- f. When public interest so requires.

Non-compliance with the terms and conditions of the license under ground (b) may consist of any of the following:

- (a) Use of gear other than that specified in the license;
- (b) Alteration of the fishing vessel tonnage specified in the license;
- (c) Failure to submit notification of transfer of ownership of the fishing vessel and/or gear; and,
- (d) Refusal to be subjected to administrative processes in case of violation of the terms and conditions of the license.

SECTION 37. IMPOSITION OF FINES AND PENALTIES ON THE LICENSE HOLDER – For any violation of the provisions of the Fisheries Code and other related legislation committed by the license holder as his first offense, a warning shall be issued in addition to the imposition of corresponding fines and penalties. This shall be recorded on the license itself. For the second offense, an additional administrative fine in the amount of Php 5,000.00 and imprisonment of not more than one (1) year shall be imposed. License will automatically be revoked if the holder commits same for a third time.

CHAPTER VII FINAL PROVISIONS

SECTION 38. SEPARABILITY CLAUSE – If, for any reason, any provision, section or part of this ordinance is declared invalid or unconstitutional by a Court of competent jurisdiction or suspended or revoked by the authorities concerned, such judgment shall not affect or impair the remaining provisions, sections or parts which shall continue to be in full force and effect.

SECTION 39. APPLICABILITY CLAUSE – All other related matters not specifically provided in this ordinance shall be governed by the pertinent provisions of existing applicable laws or ordinances.

SECTION 40. REPEALING CLAUSE – All ordinances, rules and regulations, or parts thereof, in conflict with, or inconsistent with any provisions of this ordinance are hereby repealed or modified accordingly. Should there be existing general or special ordinances which were inadvertently excluded in the codification process during the formulation of this ordinance, they shall continue to be in full and effect provided that they are not in conflict with, or contrary to, the provisions of this ordinance.

SECTION 41. EFFECTIVITY – Upon approval by the Mayor, this Ordinance shall take effect thirty (30) days after posting in the bulletin board at the entrance of the City Hall and in two (2) other conspicuous places within the City, and has been published once in a local newspaper of general circulation in the locality.

ENACTED, October 19, 2016.




Ord. No. 012

RESOLVED, FURTHER to furnish copies of this ordinance each to the City Mayor Richard I. Gomez; the City Administrator's Office; the City Legal Office; the City Budget Office; the City Treasurer's Office; the City Permits & Licensing Office; the Animal Production and Fisheries Division, City Agriculture Office; the Punong Barangay of Brgy. Punta; the Punong Barangay of Brgy. Bantigue; the Punong Barangay of Brgy. Can-adieng; the Punong Barangay of Brgy. Margen; the Punong Barangay of Brgy. San Juan; the Punong Barangay of Brgy. Camp Downes; the Punong Barangay of Brgy. Danhug; the Punong Barangay of Brgy. Alegria; the Punong Barangay of Brgy. Batuan; the Punong Barangay of Brgy. Macabug; the Punong Barangay of Brgy. Linao; the Punong Barangay of Brgy. Naungan; the Punong Barangay of Brgy. Ipil; the Punong Barangay of Brgy. San Antonio; the Punong Barangay of Brgy. Lao; the OIC-City Director, DILG; and others concerned;

CARRIED UNANIMOUSLY.

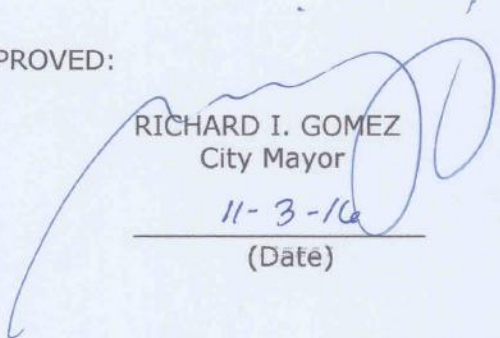
I HEREBY CERTIFY to the correctness of the above ordinance.


MARIA ANTONIETA G. CO HAT
(OIC - SP Secretary)
Supervising Administrative Officer

ATTESTED:


LEO CARMELO L. LOCSIN, JR.
Vice Mayor & Presiding Officer

APPROVED:


RICHARD I. GOMEZ
City Mayor

11-3-16

(Date)