



Republic of the Philippines
PROVINCE OF ORIENTAL MINDORO
MUNICIPALITY OF PINAMALAYAN

Office of the Sangguniang Bayan

ORDINANCE NO. 04-2017

AN ORDINANCE ESTABLISHING "PAHINGANG PANGISDAAN" FOR THE MANAGEMENT AND CONSERVATION OF SMALL PELAGIC FISHES IN THE MUNICIPAL WATERS OF PINAMALAYAN, ORIENTAL MINDORO, PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES.

WHEREAS, fishing is one of the major source of livelihood of coastal communities in the entire Oriental Mindoro;

WHEREAS, the research conducted by the Provincial Government and Malampaya Foundation Inc., have confirmed the complaint and observations by the fisherfolk communities that fisheries resources, particularly small pelagic species have dwindled dramatically;

WHEREAS, this dramatic decline was traced to over-fishing, intrusion of commercial fishing in municipal waters, catching of juvenile fish and lack of local regulatory mechanisms on illegal, unreported and unauthorized fishing in municipal waters;

WHEREAS, implementation of closed season has been identified and unanimously recommended by all stakeholders to allow fish stock to rest, reproduce and recover from continuous fishing pressure;

WHEREAS, the period of November 15 to January 15, especially at the onset of new moon, was identified as the most opportune time to implement said closed season;

WHEREFORE, in view of this premises, the Sangguniang Bayan of Pinamalayan, Oriental Mindoro joins all neighboring municipalities comprising the Province of Oriental Mindoro in promulgating the following Municipal Fisheries Ordinance on Closed Season for the management and conservation of small Pelagic Fishes pursuant to Sections 2(c) and (f), 4(8), (10), 9, 16 (and Rule 16.7, IRR), 95, and 100 of the Fisheries Code (R.A. No. 8550, as amended by R.A. No. 10654), and Chapter II, Section 17 (2-i), Chapter III Article I, Section 26, Article II Section 149 (b-3), Article III Section 458 (I-VI), Section 447 (I-VI), Section 447 (2-XI) of the Local Government Code (R.A. No. 7160);

NOW THEREFOR, on motion of Hon. Joseph T. Rodil and seconded by all SB Members present -

BE IT ORDAINED AS IT IS HEREBY ORDAINED BY THE SANGGUNIANG BAYAN OF PINAMALAYAN, ORIENTAL MINDORO in session assembled :

Section 1. Title. This Ordinance Shall be Known as **"PAHINGANG PANGISDAAN ORDINANCE OF 2017"**

Section 2. Goals. The long-term goal is to ensure food security for municipal and commercial fisheries by restoring the health of small pelagic fishes to achieve maximum sustainable yield.

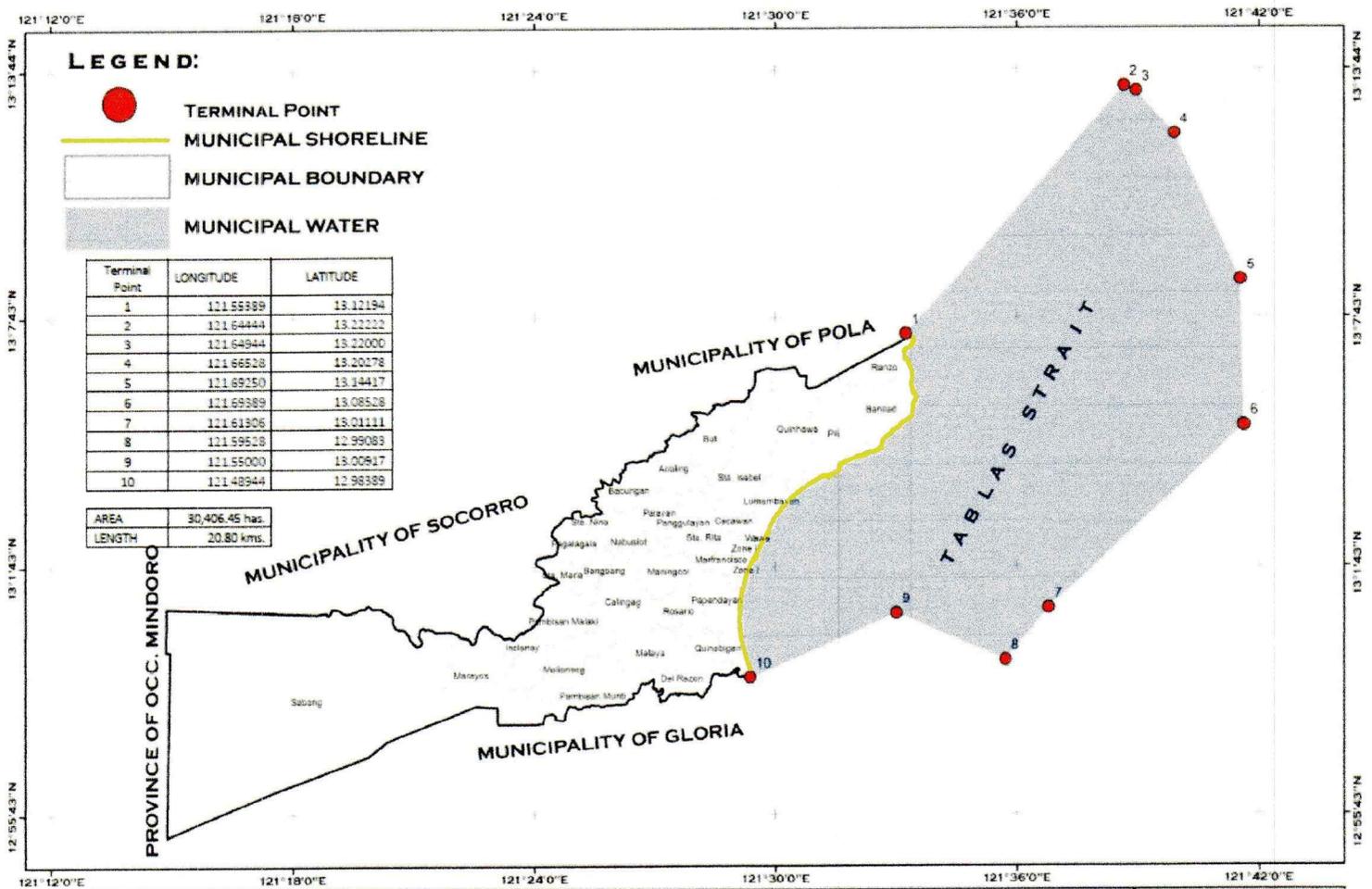
Section 3. Objectives. The objective of this ordinance is to increase the reproductive capacity, breeding and spawning potential, and recruitment of small pelagic fishes during the closed season.

Section 4. Scope. The closed season shall cover the fishing grounds in Tablas Strait with a total area of 20.80 kilometres and 30,406.45 hectares (ha), more specifically described below:



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MAP OF PINAMALAYAN MUNICIPAL WATER



The implementation of the closed season shall be uniformly implemented annually for at least 10 years effective from the approval of this ordinance; Provided that, unless repealed or modified based on scientific evidence and with concurrence of the concerned Fisheries and Aquatic Resources Management Council (FARMC), this ordinance shall continue to be implemented in the succeeding years thereafter.

The closed season shall cover all types of commercial and active fishing gears, such as, but not limited to, bag net, purse seine, ring net, as well as beach seine, used in the municipal waters of Pinamalayan.

Section 5. *Definition.*

- a) Closed Season – the period during which the taking of specified fishery species by a specified fishing gear is prohibited in a specified area or areas in the Philippine waters;
- b) Commercial Fishing – the taking of fishery species by **passive or active gear for trade, business & profit** beyond subsistence or sports fishing, to be further classified as:
 1. Small scale commercial fishing – fishing with passive or active gear utilizing fishing vessels of 3.1 gross tons (GT) up to twenty (20) GT;
 2. Medium scale commercial fishing - fishing utilizing active gears and vessels of 20.1 GT up to one hundred fifty (150) GT; and



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3. Large commercial fishing – fishing utilizing active gears and vessels of more than one hundred fifty (150) GT.
 - c) Active fishing gear – is a fishing device characterized by gear movements, and/or the pursuit of the target species by towing, lifting, and pushing the gears, surrounding, covering, dredging, pumping and scaring the target species to impoundments; such as, but not limited to, trawl (*galadgad/Norway*), purse seines (*pangulong*), ring net (*likom/pangulong*), bag nets (*basing*), Drive-in net (*paaling/kayakas*), motorized push net and beach seine (*pukot*), specifically described below:
 1. Bagnet – is a type of fishing gear resembling an inverted mosquito net where the net is lowered under the boat and lifted by series of pull ropes to the deck of the boat. The fishing operation utilizes surface and/or submerged lights, either incandescent, light emitting diode or halogen bulbs to attract school of fish;
 2. Ring net – is a type of surrounding net having a line at the bottom passing through rings attached to the net which can be drawn or pursed. The net is hauled either manually or mechanically using winch. The bunt or bag is located at the center of the net;
 3. Purse seine – a type of fishing gear made of long wall of netting framed with floatline and leadline, and having purse rings hanging from the lower edge of the gear through which runs a purse line made from steel wire or rope that allows the pursing of the net. The net is set around a detected school of fish. After that, the net is closed underneath the school by hauling the purse line running through the rings. It is commonly operated using hydraulic winch, power block and fish finding equipment.
 4. Trawl – is a method of fishing that involves pulling a large, cone-shaped fishing net drawn on the bottom or mid-water by one or more boats. The cone-shaped body ends in a bag or coded. The horizontal opening of the gear while it is towed is maintained by beams, otter boards or by the distance between the two towing vessels (pair trawling). Floats and weights and/or hydrodynamic devices provide for the vertical opening. Two parallel trawls might be rigged between two otter boards (twin trawls). The mesh size in the codend or special designed devices is used to regulate the size and species to be captured.
 - d) Small pelagic species – are fishes that live near the surface or in the water column of coastal, ocean, usually caught by both commercial and municipal fishing gears like bagnet, ringnet, and other modified fishing gears of similar fishing operations. Small pelagic fishes shall include but not limited to variety of mackerel species under genus *Rastrilleger*, known under their local names of “karabalyas”, “hasa-hasa”, “buraw”, “andulaw”, “kapisnon”, “lumahan” and “anduhan”; variety of roundscad species under the genus *Decapterus*, known under their local names of “galonggong”, “moro-moro”, “borot”, “alumahan”, “budburon”, “burot-burot”, and variety of big eye scad species under the genus *Selar*, known under their local names of “matang baka”, “atulay”, “matambaka”, “tamarong” and “budlatan”;
 - e) Municipal Fishing – refers within municipal waters using fishing vessels of three (3) gross tons or less, or fishing not requiring the use of fishing vessels.

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Section 6. Closed Season; Prohibition. Without prejudice to the provisions of the Fisheries Code, as amended, and the powers of the Municipality and City Governments to regulate the use of active fishing gears and commercial fishing in municipal waters, the operation of all types of commercial fishing vessels and active gears used in fishing for small pelagic fish species is hereby prohibited in the entire municipal waters of Pinamalayan, Oriental Mindoro, from November 15, 2017 to January 15, 2018 and every such period thereafter; provided further that possession and actual use of compressors in fishing is also prohibited.

Section 7. Penalty. Violations of Section of this Ordinance shall be penalized under Section 100 of the Fisheries Code, as amended on fishing during closed season, without prejudice liabilities under other relevant laws, rules and regulations. Provided that, maximum penalty may be imposed on violators who are not registered in the Official Registry of Fisherfolk of the Municipality.

The penalty for illegal possession or actual use of compressors in fishing shall be fined with P2,500 per person and/or imprisonment of thirty (30) days or less, upon the discretion of the court, plus confiscation and forfeiture of compressors and paraphernalia.

Section 8. Administrative Sanction. Violation of this Ordinance may be subject to administrative liability, the amount of which shall be based on the applicable provisions provided under R.A. No. 10654 on the administrative fines. The procedures, rules and regulations in the conduct of administrative adjudication shall be determined by the Administrative Adjudication Committee created for this purpose.

Provided that the administrative fine for possession and/or actual use of compressors in fishing shall be twice the market value of the fish catch or Five Thousand Pesos (P5,000) whichever is higher. Provided, further that, maximum penalty may be imposed on violators who are not registered in the Official Registry of Fisherfolk of the Municipality.

Section 9. Creation of Administrative Adjudication Committee. The Administrative Adjudication Committee is hereby created to hear, decide and impose administrative fines against acts or omissions committed in violations of this ordinance. It shall be composed of the following:

The Mayor as chairperson,
Sangguniang Bayan Committee Chair on Fisheries as Vice Chairperson
Municipal Agriculturist or his duly designated representative, as member,
Representative of the municipal fisherfolk in the MFARMC, as member, and
Representative of the commercial fishing sector, as member

Section 10. Powers and Functions of the Administrative Adjudication Committee. The Administrative Adjudication Committee shall have the following powers and functions:

- a) Promulgate rules and regulations for conduct of administrative adjudication and the disposition of confiscated catch, gears, equipment and other paraphernalia;
- b) Issue *subpoena duces tecum* and *testificandum* in administrative cases before it;
- c) Authority to issue notice of violation and order confiscation;
- d) Hear, decide and impose administrative fines.



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Section 11. Assistance to Affected Fisherfolk, Fishing Operators, and Fish Workers. The Office of the Municipal Agriculturist shall, in coordination with the Department of Social Welfare and Development, identify persons and families directly affected by this Ordinance on the official registry of fisherfolk, fish workers and operators. A comprehensive program on alternative livelihood shall be designed and implemented during the implementation of this Ordinance.

Section 12. Bantay Dagat Fund. The Bantay Dagat Fund is hereby established to enhance the budget for conservation, protection and regulation of fisheries activities in the municipal waters of Pinamalayan, Oriental Mindoro. The fund shall be administered by the Municipal Agriculture Office as a special account in any government financial institution.

It shall be funded from administrative fines and penalties imposed under this ordinance, from the proceeds of the sale of forfeited fish, fishing gears, paraphernalia and fishing vessels, and contributions in the form of endowments, grants and donations to the fund, which shall be exempted from donor and other taxes, charges or fees imposed by the government.

The Fund shall be exclusively utilized as follows:

- (a) Ten percent (10%) for the purchase, maintenance and operation of municipal patrol boats;
- (b) Ten percent (10%) for litigation expenses, travel cost of witnesses and other litigation-related costs, including defense of Bantay Dagat members who are sued by reason of their duties and functions;
- (c) Forty percent (40%) for operating cost of Bantay Dagat such as, but not limited to, honoraria, medical and insurance expenses for sickness or injury, training and capacity building, and indemnity for death;
- (d) Ten percent (10%) for office supplies and enforcement gadgets;
- (e) Twenty percent (20%) scholarship for children of fisherfolk and fish workers in fish catch, aquaculture, fishing and fish processing; and
- (f) Ten percent (10%) for livelihood assistance for poverty alleviation and production enhancement.

Section 13. Review and Adjustments. The implementation of the closed season shall be closely monitored and analyzed by experts of the Bureau of Fisheries and Aquatic Resources (BFAR), National Fisheries Research and Development Institute, Mindoro State College of Agriculture and Technology, other academic institutions, and industry experts. Three months prior to the start of each closed season, the Mayor may, upon the recommendation of the Inter-LGU Coordinating Group created in Section 9 hereof, adjust the closed season for that year, which may begin at new moon on the month of November and end new moon on the month of January, and shall issue joint advisory for this purpose; Provided that, in the absence of such advisory, the closed season shall begin on November 15 and end on January 15.

Section 14. Implementation Arrangement. The Municipality of Pinamalayan shall enforce this ordinance with proper coordination and collaboration with the Oriental Mindoro Marine Protected Area and Fishery Law Enforcement Network as Inter-LGU Coordinating Group by virtue of the Memorandum of Agreement (MOA) executed by all Mayors and the Provincial Governor of Oriental



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Mindoro, for purposes of conducting continuous monitoring, research and review for any recommendations to Municipal Mayors and Sangguniang Bayan to make the necessary policy adjustments.

Section 15. Law Enforcement; Municipal Bantay Dagat Taskforce. The Municipality of Pinamalayan shall lead in the enforcement of this Ordinance, providing necessary operational and logistical funds therefor. Pursuant to Section 156 of the Fisheries Code, as amended by R.A. No. 10654, the Municipality shall organize and coordinate Municipal Bantay Dagat Task Force with the local PNP, PNP-Marine Group, BFAR, Philippine Navy and deputized Bantay Dagat as members. This group shall be responsible in monitoring, surveillance, apprehension, seizure and filing of cases.

Section 16. Repealing Clause. All ordinances, local issuance, resolutions, or rules and regulations or parts thereof which are inconsistent with the provisions of this Ordinance is hereby amended, repealed or revoked, accordingly.

Section 17. Effectivity. This Ordinance shall take effect upon publication and posting in the Municipal Hall, Barangay Halls of all affected Barangays and in other conspicuous places.

UNANIMOUSLY ENACTED this 20th day of November 2017 at Pinamalayan, Oriental Mindoro.


HON. MA. THERESA H. TESNADO
SB Member


HON. RIO S. MERCENE
SB Member


HON. JOSEPH T. RODIL
SB Member


HON. SEVERINO J. NARITO
SB Member


HON. NAPOLEON M. MANGARING
SB Member


HON. JEOFFREY PAUL A. UMBAO
SB Member

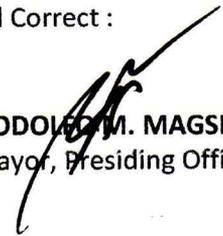

HON. LEONARDO L. PEDRAZA
SB Member

HON. NORMAN J. JACINTO
ABC Pres./SB Member

Attested :


ARNEL G. ABRENICA
Secretary to the Sanggunian

Certified Correct :


HON. RODOLFO M. MAGSINO
Vice Mayor, Presiding Officer

Approved :


HON. ARISTEO A. BALDOS, JR.
Municipal Mayor

DEC 06 2017