



Office of the Sangguniang Bayan

RESOLUTION NO. 23-96

RESOLUTION ENACTING AN ORDINANCE REGULATING MUNICIPAL FISHERY/FISHERY LAWS IN THE MUNICIPALITY OF PINAMALAYAN.

WHEREAS, twenty two (22%) of the municipality of Pinamalayan are coastal barangay which subsistence fishermen get their means of livelihood from the fishing industry;

WHEREAS, it is the policy of the Government to ensure that management and control over fisheries and aquatic resources shall be effected by proper implementation of fishery laws;

WHEREAS, the subsistence fishermen have been seeking from the government to protect against heavy exploitation of fish and aquatic resources resulting in the deminution and depletion of fish catch by them;

WHEREAS, the Government shall protect the right of subsistence fishermen, especially local communities, to the preferential use of communal marine and fishery resources both inland and offshore;

WHEREAS, the local government that has the jurisdiction and responsible in the management, conservation, development, protection utilization and disposition of fishery and aquatic resources for sustainable productivity in municipal waters;

WHEREAS, the Municipal Fishery Ordinance empowers the Sangguniang Bayan by enactment of ordinance penalizing the use of explosives, obnoxious or poisonous substances, electricity and other illegal methods of fishing detrimental to the fish and habitat;

NOW THEREFORE :

RESOLVED as it is HEREBY RESOLVED to enact an ordinance regulating municipal fishery/fishery laws in the municipality of Pinamalayan.

ORDINANCE NO. 03-96

Be it ordained by the Sangguniang Bayan of Pinamalayan, Oriental Mindoro, THAT -

Section 1. Title - This Ordinance shall be known as the "Municipal Fishery Ordinance of Pinamalayan", Oriental Mindoro and shall be enforced in conjunction with other pertinent laws, decrees, orders, rules and regulations on fishing and/or fisheries already promulgated or that later be promulgated regarding the matter.

Section 2. Declaration of Policy - It is hereby declared to be the policy of Municipal Government shall protect the rights of subsistence fishermen, especially of local communities to the preferential use of the communal marine and fishing resources, both inland and offshore. It shall provide support to such fishermen through appropriate technology and research, adequate financial production and marketing assistance and other services. It also shall promote and regulate the exploitation, exploration, utilization and conservation of fish and other fishery products, in the municipal waters. The Municipal government shall also protect, develop, conserve fish and other fishery aquatic products in order to have a continuous production.

Section 3. Definition of Terms - For the purpose of this Ordinance the following words shall mean :

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Office of the Sangguniang Bayan

Page Two (2) of Res. No. 23-96/Ord. No. 03-96 :

- A) Municipal Waters - includes not only streams, lakes and tidal waters within the municipality, not being the subject of private ownership and not comprised with the national parks, public forest, timber lands, forest reserves, or fishery reserves, but also marine waters included between two lines drawn perpendicularly to the general coastline from points where the boundary lines of the municipality or city touch the sea at low tide and a third line parallel with the general coastline and fifteen (15) kilometers from it. Where two (2) municipalities are so situated on the opposite shores that there where two (2) municipalities is less than thirty (30) kilometers of marine waters between them, the third line shall be equally equidistant from opposite shores of the prospective municipalities.
- b) Subsistence Fishermen - refer to an individual engaged in subsistence fishing for domestic use or to the sale or barter for marine products caught by him and his immediate family. Includes fishermen whose economic situation is subsistence described as "Isang Kahig, Isang Tuka." (3 record of the Constitutional Commission.67).
- c) Person - Natural or juridical entities such as association, partnership, corporations and cooperatives susceptible of rights and obligations or of being subject of legal relations.
- d) Bonafide Resident - A natural or juridical person who has his habitual or fixed residence in the municipality of Pinamalayan, Oriental Mindoro.
- e) Closed Season - refers to the period during which fishing is prohibited in a specified areas in the municipal waters or the period during which the catching or gathering of specified species of fish/fishery products or the use of specified fishing gear to catch or gather fish or fishery/aquatic products is prohibited.
- f) Fish Sanctuary - refers to the place of refuge for fish and fishery/aquatic products there predator may be controlled and where fishing is not allowed.
- g) Commercial Fishing - fishing for commercial purposed in waters more than 7 fathoms deep with the use of fishing boats more than three (3) toms gross and employed not less than ten (10) fishermen during actual fishing operations.
- h) Electro-fishing - means the use ofelectricity generated by dry cell batteries, electric generators or other sources ofelectric powers to kill, stupefy, disable or render unconscious to fish or fishery/aquatic products in both fresh and marine water areas.
- i) Fishing Boat or Vessel - includes all boats such as bancas, sailboats, motorboats or any other type of watercraft whether license or not, used for fishing purposes and also for transporting fish in the course of fishing operation shall be considered fishing boat.
- j) Fishery products - icludes all fishers, and other aquatic species such as crustaceans (crabs, prawns, shrimps and lobster) mollusks such as clams, mussels, scallops, oysters, snails and other shell fish and also all other products of aquatic living resources of any form.



Office of the Sangguniang Bayan

Page Three (3) of Res. No. 23-96/Ord. No. 03-96 :

- k) Fishery - the business of catching, taking, handling marketing and preserving fish or other fishery/aquatic products, the fishing ground and rights to fish or take such aquatic products therefrom.
- l) Fishing with the use of explosives - means the use of dynamite and other explosives or chemical compound that contain combustible elements or ingredients that upon ignition by friction, concussion, percussion or detonation and all parts of the compounds kill, stupefy unable or render unconscious to any fishery products. It shall also refer to the use of any other substance and/or device that cause explosions capable of producing the said harmful effects on fishery products.
- m) ~~Fishing with the use of obnoxious substance~~ - means the use of any substance, plants, extracts or ~~juice thereof~~ chemicals whether in raw or in processed form, harmful or harmless to human being which kill, stupefy, disable or render unconscious to fish or fishery products.
- n) Muro-ami or Drive-In-Net - means a Japanese fishing gear used in reef fishing which consist of a movable bag net or are formed around reefers or shoals and which the mid of scaring devices, or doron of fishermen drive the fish from the reefs toward the bag portion of the whole net.
- o) Kayakas, Buli-buli, Bira-bira - This is the local version of Muro-ami but smaller in size using bamboo or trunk or trees or scaring devices aside from coconuts or other leaves or materials scareline to drive fish out of the corral reefs.
- p) Purse Seine - A fishing gear operated by a fishing boat of more than three (3) gross tons consisting of nets with the bunt of landing piece located in any side of the net, and the whole net provided with purse ring device which consists of a series of purse rings attached to the footrope by straps or ring bridles with a purse line rope thru the rings that closes the bottom of the seine when pulled thereby forming a strap or purse, the net of which is hauled by means of power block.
- q) Commercial Trawl - A fishing gear operated by fishing boat of more than (3) gross tons consisting of nets with the bunt of conical bag with the mouth kept open by various devices (as other boards/doors, wooden or iron beam, two boats and extra long rope) and the entire gear towed, trailed or trawled, to capture fish or fishery/aquatic products.
- r) The 15 KM Ban - The operation of fishing gear such as commercial trawl and purse seine is hereby prohibited in the marine water areas within a distance of fifteen (15) kilometers from the shorelines of all the provinces of the Philippines pursuant to Republic Act 7160.
- s) Fine Mesh Nets - Means all nets/webbings whether made of natural fiber, synthetic or any other materials use in fishing, with a mesh size less than three (3) centimeters measured between two (2) opposite knots of a full mesh when stretched.



Office of the Sangguniang Bayan

Page Five (5) of Res. No. 23-96/Ord. No. 03-96 :

Section 4a. It is likewise illegal for any person, cooperative, partnership, association or corporation to operate and construct fish corrals, fish cages, seaweeds farms, culture pearls, oyster culture beds, or take or gather kapis shells, aquarium fished and shelled mollusks or catch bangus fry or fry of other species for propagation within the jurisdiction of this municipality without first securing a grant therefor.

Section 5. 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 corporation 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 belongs wholly to citizens of the Philippines.

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

Section 6. Division and Classification of Municipal Waters. The Municipal waters within the jurisdiction of this municipality shall be divided and classified in accordance with any hereto attached as Annex "A" that will form as an integral part of this Ordinance.

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 operations of fish corrals, oyster, culture beds for the gathering of bangus fry, the municipality hereby sets aside and designate not more than (1/5) one fifth of the area earmarked for the gathering of bangus fry within its municipal waters under Section 6 of this basic fishery ordinance.

Section 8. Exclusive Fishery Privileges. - Operating fish pens, fish corrals, seaweed culture, fish cage, pearl culture, mussel or oyster culture beds or the catching of bangus fry or fry of other species for propagation shall be granted to the highest bidder in public bidding held according to the provisions of this ordinance.

The Sangguniang Bayan may grant to the highest qualified bidder the exclusive privileges of construction and operating fish corrals, seaweed culture, fish cage culture, pearl culture, mussel or oyster culture beds of gathering bangus fry or fry of other species in municipal waters for a period not exceeding five (5) years; Provided, that this grant of exclusive fishery privileges shall be under such conditions as shall be prescribed by the Sangguniang Bayan of this Municipality.

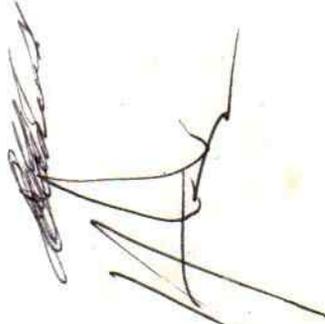
Section 9. Issuance of individual license in case no bidders opt to lease fishing zones. If after two bidding notices for the grant of exclusive fishery rights through public auction no interested bidders opt to lease any fishing zone within the municipal waters, the Sangguniang Bayan is authorized to grant the privileges of erecting fish pens, fish corrals, fish cages, seaweed, farms pearl culture, mussels operating oyster culture beds, or gather aquarium fishes, kapis shells operating oyster culture beds, or gather aquarium fishes, kapis shells, shelled mollusks, or catching bangus fry or "kawag-kawag" within a definite area or portion of the municipal waters to individual upon payment of license fees therefor at the rates not exceeding those fixed hereunder :



Office of the Sangguniang Bayan

Page Six (6) of Res. No. 23-96/Ord. No. 03-96 :

| | |
|--|-------------------------|
| 1) Fish corrals erected in the sea | Annual Fee |
| Less than three meters deep | ₱ 45.00 |
| 3 meters deep or more but less than 5 meters deep | 90.00 |
| 5 meters deep or more but less than 8 meters deep | 300.00 |
| 8 meters deep or more but less than 10 meters deep | 500.00 |
| 10 meters deep or more but less than 15 meters deep | 750.00 |
| 15 meters deep or more | 1,200.00 |
| 2) Operation of Oyster Culture Beds : | |
| Per Hectare | ₱ 300.00 |
| 3) Fish Cage Culture | Amount for Deliveration |
| Fresh Water | ₱ 50.00 |
| Marine Water | 2,800.00 |
| 4) Seaweed Culture : | |
| Per Hectare | 500.00 |
| 5) Pearl Culture | |
| Per Hectare | 5,000.00 |
| 6) Mussel Culture | |
| Per Hectare | 150.00 |
| 7) Catching "Bangus" Fry or "Kawag-kawag" | |
| Less than 1,000 square meters | 500.00 |
| 1,000 sq. m. or more or less than 2,000 sq. m. | 800.00 |
| 2,000 sq. m. or but less than 4,000 sq. m. | 1,200.00 |
| 4,000 sq. m. or more but less than 6,000 sq. m. | 2,000.00 |
| 6,000 sq. m. or more but less than 8,000 sq. m. or more | 4,000.00 |
| 8) Fish Corrals inland fresh waters : | |
| With an area of less than 500 sq. m. | 150.00 |
| With an area of 500 sq. m. or more But less than 1,000 sq. m. | 300.00 |
| With an area of 1,000 sq. m. or more But less than 5,000 sq. m. | 540.00 |
| With an area of 5,000 sq. m. But less than 10,000 sq. m. | 750.00 |
| With an area of 10,000 sq. m. or more | 1,200.00 |

AgA.

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Office of the Sangguniang Bayan

Page Seven (7) of Res. No. 23-96/Ord. No. 03-96 :

A. For the Catching or taking of Bangus Fry :

| 1 - Zone for Bangus Fry catching : | Minimal Rental |
|--|-------------------|
| Zone 1 - From point 1 to 2 | 5,000.00 |
| Zone 2 - From point 2 to point 3 | 10,000.00 |
| Zone 3 - From point 3 to point 4 | Gov't Reservation |
| Zone 4 - From point 4 to point 5 | 5,000.00 |
| Zone 5 - From point 5 to point 6 | 5,000.00 |

Section 10. Application for exclusive fishery privileges. Application for any of the exclusive fishery privileges mentioned in the preceding sections shall be made on official form as prescribed by the Sangguniang Bayan.

Section 11. To whom to submit application. All application shall be forwarded to the Office of 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 existing lease.

Section 12. Committee on Auction. A committee on auction is hereby created to be composed of the Municipal Mayor or Municipal Treasurer as Chairman and two (2) members of the Sangguniang Bayan as members.

Section 13. Publication of Notice. The Committee on Auction shall advertise notice for sealed bids for exclusive fishery privileges in areas or zones of the municipal waters available for erecting fish pens fish corrals, mussel or operating oyster species for propagation by posting said notice in a newspaper published in the locality and in any conspicuous place for a period of not less than fifteen (15) days.

Section 14. Time and Place of Auction. The Sangguniang Bayan shall, in a resolution, provide for a notice calling for sealed bids for the exclusive fishery privileges granted under Section 149 and 447 of Republic Act No. 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 is guarantee of good faith and for satisfactory compliance with the terms of the lease or grant. The bond shall be in cash or in real estate situated within the Province/Region or by surety company authorized for the purpose in an amount not less than two years rental.

Section 15. Municipal Concessions and Leases Concerning Fisherires. No lease or concession granted by the Sangguniang Bayan under authority of an ordinance approved concerning fishing or fisheries in streams, lakes, rivers, inland and or municipal waters shall be valid and enforceable unless approved by the Municipal Mayor.

Section 16. License Fee Payment. Payment of the corresponding license/ permit fee required therefore shall be as follows :

GENERAL SCHEDULE OF LICENSE FEE

| Item No. | Kind of fishing gear (such as nets traps, or fishing gear commonly used in locality) | License fee per for the first 100 sq. m. and additional of ₱10.00 for additional 100 sq. m. and a fraction thereof. |
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Office of the Sangguniang Bayan

Page Eight (8) of Res. No. 23-96/Ord. No. 03-96 :

1. Fishermen using nets :

a. Gill nets :

| | |
|--|--------|
| Sardine Gill Net (Panamban) | 100.00 |
| Encircling Gill Net (Pamalo) | 150.00 |
| Flying Fish Gill Net (Pamansi) | 100.00 |
| Drift Gill Net (Palaran/Pandamulag) | 100.00 |
| Round Scad/Big Eyed Scad Gill net (Moro-moro/Matang-baka) | 100.00 |
| Bottom Set Gill Net (Tibog) | 100.00 |
| Tuna Drift Gill Net (Pamo) | 200.00 |
| Garfish Gill Net (Saliwsiw) | 150.00 |

| | |
|---|--------|
| b. Mini-Zipper Net (Kuwarentay) | 500.00 |
| c. Beach Seine (Salap)(Pukot) | 200.00 |
| d. Cast Net (Laya) | 20.00 |
| e. Fry Push Net (Sud-sud) | 20.00 |

2. Fishermen Using Traps :

| | |
|------------------------------------|---------------------|
| a. Fish Pot (Big Bobo) | 10.00 00 |
| b. Fish Pot (Small Bobo) | 6.00 00 |
| c. Dumpil | 20.00 |

3. Fishermen using hook and line :

| | |
|--|-------|
| a. without light | 10.00 |
| b. with torch used in fishing | 15.00 |
| c. with petromax used in fishing | 20.00 |

4. Fishermen using other fishing gear :

| | |
|---|-------|
| a. Spear fishing | 5.00 |
| b. Spear fishing using compressor | 50.00 |
| c. Stationary Bag Net (Bentol) | 5.00 |
| d. Others | 5.00 |

Fish Nets should not be less than three (3) centimeters measured between two (2) knots of a full mesh when stretched.

Provided, that the same fee shall be collected from fishermen duly licensed by another municipality to fish by one municipality. 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 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 this home consumption : Provided, However, that it shall be beyond the power of this Sangguniang Bayan to impose a license for the pearling boats and pearl divers or for prospecting, collecting or gathering sponges or other aquatic products, or for the culture of fishery/aquatic product : However, a permit shall be secured from the Office of the Municipal Mayor for the purpose of coservation.



Office of the Sangguniang Bayan

Page Nine (9) of Res. No. 23-96/Ord. No. 03-96 :

License permits issued under this Section shall be valid for a period of one year from the date of issuance.

Section 17. **Restrictions of fishing gears and accessories.** It shall be unlawful for any fisherman to operate the following fishing gears within the municipal territorial waters for the purpose of conservation of aquatic life and maintain ecosystem in the area.

- | | |
|----------------------------------|-----------------------------|
| 1. trawl | 7. Sinsoro/licum |
| 2. sangab | 8. Basnig (Bag Net) |
| 3. Bokatot nalambat | 9. Baling |
| 4. Kubkub | 10. Bahan |
| 5. Sud-sud (motorized push net) | 11. Muro-ami (Drive-in-net) |
| 6. Salambaw (Lever net) | |

Section 18. **Report of Fish Caught.** Any individual or entity who has obtained a fishery grant on license to take or catch fish in the municipal waters of this municipality shall submit to the Municipal Treasurer within the 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 Department of Agriculture, Fisheries Sector for statistical forms which shall be furnished by the Department such information and data on fishery matters as reflected in such forms.

B. Major Forms of Illegal Fishing

Section 19. **Fishing with the Use of Explosives - (Section 3.1. Definition of terms).**

Prohibition : It shall be unlawful to any person for fishing with the use of explosives. By the penalty of imprisonment ranging from twelve (12) years to twenty-five (25) years in the case of mere possession of explosives intended for illegal fishing; by imprisonment ranging from twenty (20) years to life imprisonment, if the explosives is actually used : Provided, that if the use of explosives results in a) physical injury to any person, the penalty shall be imprisonment, or b) in the loss of human life, then the penalty shall be life imprisonment to death.

Section 20. **Fishing with the use of obnoxious or poisonous substances.** (See Section 3. Definition of Terms, m) It shall be unlawful for any person to gather, catch, take or remove marine tropical aquarium fish with the use of obnoxious or poisonous substances (sodium cyanide and other compounds, FAO #148.)

Prohibition : It shall be unlawful to any person fishing with the use of obnoxious or poisonous substances. Violation of this Ordinance shall subject the offender to a penalty of imprisonment from eight (8) to ten (10) years, if actually used, 10 to 12 years, if it results to physical injury to any person, twenty (20) years to life or death, in loss of human life. Provided, that the Mayor is hereby empowered still to impose upon the offender and administrative fine of not more than five thousand pesos (P5,000.00) including the confiscation of the marine tropical aquarium fish and the chemical use in favor of the Government within prejudice to any judicial action which may be taken against such offender. (FAO #148)



Office of the Sangguniang Bayan

Page Ten (10) of Res. No. 23-96/Ord. No. 03-96 :

Section 21 - Electro-fishing - (See Section 3, Definition of Terms, H.)

Prohibition : It shall be unlawful to any person using electro-fishing. Penalty ranging from imprisonment from two (2) to four (4) years.

Section 22. Dealing with illegally caught fish or fishery/aquatic products. It is likewise unlawful knowingly to possess, deal in, sell or any manner dispose of for profit, any fish or fishery products which have been illegally caught, taken or gathered more than 100 kilos. Means a trader who possess more than 100 kilos does not apply to person that he doesn't know where the fishery products come from. It means he knows that his/her fish is illegally caught in more than 100 kilos during actual possession of the fish.

Prohibition : It is unlawful for any person, dealing with illegally caught fish/fishery products. Penalty ranging from imprisonment from five (5) to ten (10) years.

Section 23. Poaching refers to any foreign fishing boats or commercial fishing boat illegally engaged in fishing within the municipal waters shall be summarily confiscated administratively including its catch and fishing equipment without prejudice to any civil or criminal action that may be taken against its owner and or operators. It includes any commercial fishing boat more than three (3) gross tons and employed more than ten (10) fishermen during fishing operation is hereby prohibited in the municipal waters areas within a distance of 15 kilometers from the shorelines of Pinamalayan.

C. Illegally Fishing Devices

Section 24. Fishing with the use of ² fine-Meshed Nets (See Section 3, Definition of Terms, s.)

Prohibition : It shall be unlawful for any person to fish with nets with mesh smaller than that which may be fixed by rules and regulations promulgated conformably with Section 7 of P.D. 704 : Provided, that this prohibition in the use of finemesh nets shall not apply to the gathering of fry, glass eels and elvers and such species which by their very nature are small but already matured. (Section 34, P.D. 704) It shall be unlawful for any person, association, corporation, partnership or fish in the Philippine waters with the use of fine-meshed nets. (FAO #155).

Exemption : This prohibition shall not apply to the catching of the following species of fish :

- a) Padas (Siganidae), Bangus fry (Chanos-chanos), Sugpo fry (Penaedae) Banak fry (Mugilidae) Glass eels and Elvers (Anguillidae) and Ipon (Gobiidae).
- b) Other species which by their nature are small but already matured such as, but not limited to, Alamang (Acates spp.) tabios/sinarapon (Mistichthys luzonensis), dilis (Engraulidae) dulong (Engraulidae and Gobiidae), hipon tangunton (Caridae), and snails (Ampularia Luzonica and vivipora spp.).

Provided : ⁴ further, that this prohibition shall not apply to purse seine, ring nets and bag nets with a minimum limit of 1.9 cm. (17 knots) mesh size, which are usually of commercial type and operating beyond 15 km. banned. (FAO No. 155-1 Series 1994).



Office of the Sangguniang Bayan

Page Eleven (11) of Res. No. 23-96/Ord. No. 03-96 :

Penalty : Violation of Section 24 of this Ordinance shall subject the offender to a fine of not less than ₱500.00 but not more than ₱4,000.00 or imprisonment from six (6) months to four (4) years in the discretion of the Court : Provided, However, that the Municipal Mayor is hereby empowered to impose upon the offender and Administrative fine of not more than ₱5,000.00 including the confiscation of the fishing nets/paraphernalia and the fish catch.

Section 25, Holbot-hulbot, Kayakas, Bira-bira, Hulahoop - refer 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 or any similar materials to serve as scaring/herding device with hauling ropes passing through a metallic ring permanently attached to atom weight (Linggote) when hauled into a fish boat.

Prohibition : Violation of any provision of this Ordinance shall subject the offender to a fine of not less than ₱500.00 to not more than ₱5,000.00 or imprisonment from six (6) months to four (4) years or both such fine and imprisonment at the discretion of the Court. Provided, However, that the Municipal Mayor is hereby empowered to impose upon the offender an Administrative fine of not more than five thousand pesos (₱5,000.00). FAO No. 164, s. 1987.

Section 26. The 15 Kilometer Ban - The operation of fishing gear such as Commercial Trawl or Fishing Boats and Purse Seine - is hereby prohibited in the marine water areas within a distance of fifteen (15) kilometers from the shoreline of all the province of the Philippines pursuant to Republic Act 7160 and (7ka. ban of Letter of Instruction No. 1328 as implementing guidelines).

Penalty : Fine from five hundred pesos (₱500.00) to five thousand pesos (₱5,000.00) or imprisonment from six (6) months to four (4) years, or both such fine and imprisonment in the discretion of the Court. Provided : That the Municipal Mayor is hereby empowered to impose upon the offender an Administrative Fine of not more than Five Thousand Pesos (₱5,000.00) including the confiscation of fishing nets/fish catch.

Section 27. Regulation of the use of "Superlight" or "Electric Shiner" for fishing. (See Section 3, Definition of Terms, bb.)

Prohibition : It shall be unlawful to any person to use "Superlight or Electric Shiner" of above 800 watts and Coleman/Petromax lamps of more than six (6) units per banca in municipal waters : Provided, that the use of Superlight or Electric Shiners or Coleman/Petromax lamps of more than six (6) or more than 800 watts per banca may be allowed within the Municipal waters only for research purposes. (DILG Memo Circular No. 95-161 dated September 29, 1995).

D. BANNED FISHERY PRODUCTS

Section 28. Bangus fry or Kawag-kawag : (See Definition of Terms, Section 3, letter t.)



Office of the Sangguniang Bayan

Page Twelve (12) of Res. No. 23-96/Ord. No. 03-96 :

Prohibition : It shall be unlawful for any person, association, corporation, partnership, cooperative to transport bangus fry outside the Municipality whether he or she is a concessionaires or not of the Municipality. Provided, No issuance of payment of the Official Receipt to the Office of the Municipal Treasurer without first securing an Auxilliary Invoice for Inspection and Verification to the Office of the Municipal Agriculture/Fisheries Sector.

Penalty : Violation of Section 28 of this Ordinance shall be punished a fine of not less than One Thousand Pesos (₱1,000.00) not more than Five Thousand Pesos (₱5,000.00) or by imprisonment for not less than one (1) year or more than five (5) years, or both such fine and imprisonment in the discretion of the Court. (Sec. 36 of PD 706).

Section 29. Sugpo. See Definition of Terms, Sec. 3, letter u.)

Prohibition : It shall be unlawful for any person, natural or juridical, to export or cause to be exported live prawns (sugpo) of whatever size (FAO No. 143).

Penalty : Any violation of this provision shall subject the Offender to a fine of from five hundred pesos (₱500.00) to five thousand pesos (₱5,000.00) or imprisonment from six (6) months to four (4) years or both such fine and imprisonment in the discretion of the Court : Provided : That, the Mayor is hereby empowered to impose and Administrative fine of more than five thousand pesos (₱5,000.00) and summary confiscation and forfeiture of the live prawn (sugpo) including the containers thereof in favor of the Government for proper disposition.

Section 30. Sabalo or Mother Bangus : (See Definition of Terms, Section 3, letter v.)

Prohibition : It shall be unlawful for any natural or juridical persons to take or catch sabalo in Philippine waters or to sell, possess or transport the same whether dead or alive except those caught in freshwater areas such as Naujan Lake : Provided : That a Certification under oath shall be secured from the nearest Fishery Office to the effect that the same was caught in said freshwater areas : Provided, Further, that the possessor, seller or shipper shall secure an auxilliary invoice showing the volume of the product and market value of the same : Provided, However, Director of Fisheries upon recommendation of the Municipal Mayor, may issue a special permit to catch Sabalo in the Municipal waters in favor of government agencies/institutions engaged in scientific, educational and research work on Sabalo, subject to such terms and conditions as the Director of the Fisheries may impose. (FAO No. 129, as amended).



Office of the Sangguniang Bayan

Page Thirteen (13) of Res. No. 23-96/Ord. No. 03-96 :

Section 31. Coral - (See Definition of Terms, Section 3, letter ww)

- APM.
- a) **Precious coral** - Skeleton of anthozoan coelenterata characterized as having a rigid axis of calcareous or horny spicules, belonging to the genus *Corallium* as represented by the red, pink and white corals.
- b) **Semi-Precious Corals** - Skeleton of anthozoan coelenterata characterized by a thorny, horny axis, such as the *Antipatharians* as represented by the black corals.
- c) **Ordinary coral** - All kinds of coral other than precious and semi-precious corals.

Prohibition : The gathering, harvesting, collecting, transporting, possession, sale and/or exporting of coral, either in raw or processed form in any quantity is prohibited. The use of corals and materials in buildings and other man-made structures such as, but not limited to piers, dams and dikes is likewise prohibited (P.D. No. 1698). Precious and semi-precious coral gathered is hereby prohibited, unless such corals and materials are first processed and manufactured into finished products in the Philippines (Sec. 9 PD No. 1219).

Penalty : Any person gathering precious corals or semi-precious corals without any permit shall upon conviction, be punished by imprisonment of not less than sixty (60) days more than six (6) years or a fine of not less than six thousand pesos (₱6,000.00), or both at the discretion of the court. Likewise any person gathering, harvesting, collecting, transporting, possessing, selling, exporting and/or using ordinary corals either in raw or processed form in violation of Section 31. Provided : That, the penalties herein prescribed shall be without prejudice to the confiscation by the Municipal Government of the Corals illegally gathered together with the vessel, the gear and paraphernalia used therein. Confiscation shall also cover attempted illegal exportation of corals. (PD. No. 1698).

Section 32. Mollusks - belonging to the genus Triton and Charonia and Cassis -

- a) Triton or Charonia or trumpet shells (Tambuli) - endangered species which are long and cone-shaped mollusks which grow to about 40 cms. in length, with spiral bands, polished and possessing varied color patterns.
- b) Cassis - or helmet shells (Budyong) - are large and heavy mollusks having narrow aperture with the inner and outer lips toothed, and has an operculum shaped like an open fan.



Office of the Sangguniang Bayan

Page Forteen (14) of Res. No. 23-96/Ord. No. 03-96 :

Prohibition : It shall be unlawful for any person, natural or juridical, to gather, take, collect, trade, transport, and possess for sale mollusks of the genus Triton and Cassis : Provided : That the Municipal Mayor may issue a special permit to any research and educational institution, subject to such terms and conditions that maybe imposed. (FAO 158)

Penalty : Violation of any provision of FAO shall subject the offender to a fine not less than ₱500 but not more than ₱5,000.00 or imprisonment from 6 months to 4 years, or both in the discretion of the Court : Provided, that the Mayor is hereby empowered to impose upon the offender an Administrative fine of not more than five thousand pesos (₱5,000.00) including the confiscation of the mollusks for proper disposition.

Section 33. Other Fishery Infractions :

- a. Municipal fishing vessel engaging in fishing without license. The owner, master or operator of a fishing engaging in fishing operation without license shall be fined in amount of not exceeding five hundred pesos (₱500.00) for each month or fraction thereof of operation.
- b. Municipal fishing vessel with expired license. Vessel fishing within 30 days from expiration of its license shall pay the ordinary annual license in full. A vessel continuing to fish without having procured the renewal of its license shall be fined not exceeding five hundred pesos (₱500.00) for every month such license remains unrenewed.
- c. Municipal fishing vessel entering fishery reserves or closed season areas. Vessel, whether license or not, entering a fishery reserves or declared closed areas for the purpose of fishing shall be fined in an amount not exceeding five thousand pesos (₱5,000.00).
- d. Obstruction of fishery officers - The owner, master or operator of a fishing boat, whether licensed or not, who obstruct or hindered any fishery officer from boarding such boat to enable said officer to perform his duties shall be fined in an amount not exceeding five thousand pesos (₱5,000.00) and in addition, the licensed of the boat may be cancelled pursuant to Section 41. P.D. 104.

Section 34. Restrictions : Licenses and permits issued on contract execute under this Ordinance shall contain provisions to the effect that :

- a. a) No fish corals or "Baklad" shall be constructed within two hundred (200) meters of another fish corral in marine fisheries or one hundred (100) meters in freshwater 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 waters less than two (2) meters deep at low tide, or less previously approved by the Sangguniang Bayan.



Office of the Sangguniang Bayan

Page Fifteen (15) of Res. No. 23-96/Ord. No. 03-96 :

less than two (2) meters deep at low tide, or less previously approved by the Sangguniang Bayan.

- b) Fish corrals shall be entirely opened after closed season period or period established by the Sangguniang Bayan for the free passage of fish to enable a considerable number to reach the spawning grounds.
- c) Nothing in the license shall construed as permitting the lessee or licensee, grantee, or permittee to undertake in any stream or lake flowing through or adjoining the fish corral, or impede the flow of the tide to and from the area wherein the lessee, or licensee grantee or permittee is granted a fishery privilege.
- d) The grantee assumes responsibility for any and all the acts of his agents and employees of the contractors connected with his fishing operation.
- e) The grantee agrees unconditionally to comply with all the laws, orders, rules and regulation governing fishing now or which may later be promulgated.
- f) Failure to pay any fee or file a bond as prescribed in the permit, license or contract of lease shall be sufficient grounds for the cancellation of the license, permit or contract.

Section 35. Additional Condition 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 Republic of the Philippines may review, amend, modify, revise, rescind or revoked 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 tending the conduct of appropriate hearing, summarily suspend and order to cessation of all activities and operation under the contract, concession, license, permit, lease or similar privilege for violation of any of the conditions or provisions therein of any conditions prescribed in duly issued rules and regulations of the administering government agency or instrumentality.

Section 36. Administrative Provisions :

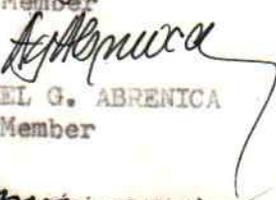
- a) A fee of one hundred pesos (P100.00) per ton a fraction thereof shall be charged for every fish and other fishery products transported outside the municipality. An Auxilliary Invoice from the Office of the Municipal Agriculture/Fisheries Sector for inspection and verification to determine the quantity and amount and for record purposes before the issuance of Official Receipt at the Office of the Municipal Treasurer.

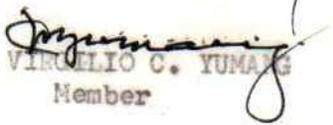


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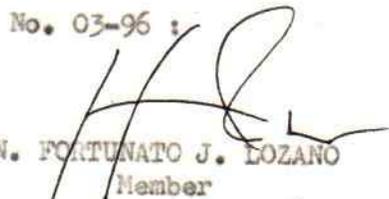
Page Seventeen (17) of Res. No. 23-96/Ord. No. 03-96 :


HON. SUSAN E. COBRADO
Member


HON. ARNEL G. ABRENICA
Member


HON. VIRGELIO C. YUMANG
Member

HON. RODOLFO A. SARIO, JR.
Member

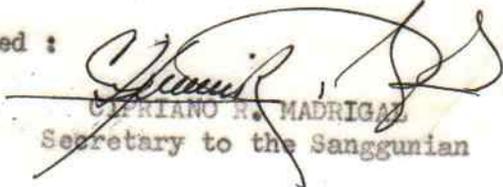

HON. FORTUNATO J. LOZANO
Member


HON. MARTIN S. MARAMOT, JR.
Member


HON. MARCELITO N. MAPACPAC
Member


HON. ISMAEL M. MADRID
ABC President, Member

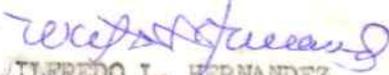
Attested :


CIPRIANO R. MADRIGAL
Secretary to the Sanggunian

Certified Correct :


HON. ROBERTO A. MORENTE
Vice Mayor, Presiding Officer

APPROVED :


HON. ALFREDO L. HERNANDEZ
Municipal Mayor