



## OFFICE OF THE SANGGUNIANG PANLUNGSOD

Tel. No.: (075) 654-0165

**EXCERPT TAKEN FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF THE CITY OF ALAMINOS, PANGASINAN HELD ON SEPTEMBER 4, 2009.**

**PRESENT:** HON. CIRILO B. RADOC, CPA, LL.B. - ACTING PRESIDING OFFICER  
Hon. Carolyn D. Sison - Member  
Hon. Earl James C. Aquino - -do-  
Hon. Constante R. Carasi, M.D. - -do-  
Hon. Orlando "Ang Panday" R. Go - -do-  
Hon. Oscar A. Boling, C.E. - -do-  
Hon. Filemon R. Bacala, Jr. - -do-  
Hon. Helen B. Bumagat, LBP - Ex-Officio Member

**ABSENT:** HON. CITY VICE MAYOR TEOFILO G. HUMILDE, JR. - On Official Business  
Hon. Joselito O. Fontelera - On Official Business  
Hon. Ma. Angela A. Braganza - On Official Business  
Hon. Joseph T. Bacay - On Official Business  
Hon. Gemarie C. Rabadon, SKP - On Official Business

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**ORDINANCE NO. 2009-04**

**PROVIDING FOR THE REGULATION, UTILIZATION, PROTECTION, CONSERVATION, SUSTAINABLE MANAGEMENT AND DEVELOPMENT OF THE FISHERIES, AQUATIC AND COASTAL RESOURCES OF THE CITY OF ALAMINOS IN ACCORDANCE WITH D.A. ADMINISTRATIVE ORDER NO. 3, SERIES OF 1998, OTHERWISE KNOWN AS THE IMPLEMENTING RULES AND REGULATIONS ("IRR's for brevity) OF R.A. 8550 - OTHERWISE KNOWN AS THE PHILIPPINE FISHERIES CODE OF 1998, WHICH WAS BASED ON R.A. 8435 "AGRICULTURE AND FISHERIES MODERNIZATION ACT", HARMONIZING AND INTEGRATING ALL ORDINANCES PERTINENT THERETO AND PROVIDING PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES.**

### PREAMBLE

**WHEREAS**, the Philippine Constitution protects and advances the rights of the people to a balanced 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 city/municipal waters and its coastal and fisheries resources to the City Government;

**WHEREAS**, Section 16 of Republic Act 8550, otherwise known as The Philippine Fisheries Code of 1998 provides that the City Government shall have jurisdiction over municipal waters as defined in this Code. The City Government, in consultation with the Fisheries and Aquatic Resource Management Council shall be responsible for the development, conservation, protection, rehabilitation, utilization, disposition and management of all coastal resources therein;

**WHEREAS**, Section 16 of the Philippine Fisheries Code of 1998 also mandate the City Government to enact appropriate ordinances for the foregoing purposes, and to enforce all fishery laws, rules and regulations as well as valid fishery ordinances enacted by the City Council;

**WHEREAS**, Section 16.1 of D.A. Administrative Order No. 3, Series of 1998, otherwise known as the implementing Rules and Regulation of R.A. 8550 requires the City Government to enact basic City Fisheries Ordinance delineating the boundaries of City waters and providing for the rules and regulations on licensing and permits and other fisheries activities;



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**WHEREAS**, Section 16.3 of the IRR also requires the City Government to enact city ordinance such as but not limited to, those declaring special demarcated fisheries areas, closed season, and environmentally critical areas and sanctuaries;

**WHEREAS**, Section 16.5 of the IRR further require the City Government to modify or amend existing City fisheries ordinance to conform to Republic Act 8550;

**WHEREAS**, it is imperative upon the City Government to adopt a Comprehensive City Fisheries ordinance to promote, safeguard regulate the exploitation, utilization, conservation and management of its fisheries and aquatic resources;

**WHEREAS**, a comprehensive City Fisheries ordinance will be the guiding document and instrument for the realization of the development goals of the City.

**NOW, THEREFORE**, upon motion of **HON. EARL JAMES AQUINO**, SP Member, Committee Chairman on Agriculture and Fisheries and unanimously seconded by all the other members present;

**BE IT ENACTED BY THE SANGGUNIANG PANLUNGSOD IN SESSION ASSEMBLED THAT:**

**SECTION 1. TITLE** - This ordinance shall be known as "**COMPREHENSIVE FISHERIES CODE OF THE CITY OF ALAMINOS 2009**"

### ARTICLE I DECLARATION OF POLICY AND DEFINITION

**SECTION 2. DECLARATION OF POLICY** - It is hereby declared the policy of the City to:

- a) Promote conservation and ensure sustainable and equitable utilization of its coastal areas and resources in conformity with the Philippine Fisheries Code of 1998.
- b) To ensure the full and effective implementation of the Fisheries Code, with the end in view of realizing the policy objectives thereof within the jurisdiction of the City.
- c) To promote the proper management, conservation, protection, and utilization of fisheries and aquatic resources within the city waters, as the means for encouraging the sustained social and economic development of the City.
- d) Ensure, for the benefits and enjoyment of the people of Alaminos City the judicious and wise utilization, protection, conservation and management on a sustainable basis of its coastal and fishery resources with the necessity of maintaining a sound ecological balance, protecting and enhancing the quality of the environment.
- e) Protect the rights of the marginal fishers in the preferential use of coastal resources.

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- f) Allow people's full and active participation in the conservation and management of the coastal resources and shall promote awareness of sustainable fisheries through appropriate education and training.
- g) To provide consistent and substantial support to the fishery sector within the City, primarily the marginal fisherfolk who rely on the coastal resources for their livelihood;
- h) To manage the fisheries and aquatic resources in a manner consistent with integrated coastal resource management;
- i) To promote social equity, reduce poverty, and ensure food security in the coastal areas of the City;
- j) To enhance the role of the City as a guardian of the coastal resources on behalf of present and future generations.

### **THE CITY GOVERNMENT SHALL ENSURE THE ATTAINMENT OF THE FOLLOWING OBJECTIVES OF THE FISHERY SECTOR:**

- 1. Conservation, protection, development and sustained management of the City coastal resources;
- 2. Poverty reduction through the provision of supplemental eco-friendly livelihood among city fisherfolk;
- 3. Improvement of productivity of aquaculture within ecological limits;
- 4. Optimal utilization of coastal resources through social equity; and
- 5. Upgrading of technology on production and post-harvest.

### **SECTION 3. APPLICATION (SCOPE) OF ITS PROVISIONS:**

- a. All City waters including other bodies of waters over which the City Government of Alaminos has jurisdiction,
- b. All aquatic and fishery resources whether inland or coastal areas, including foreshore areas but not limited to fishponds, fishpens/cages;
- c. All lands devoted to aquaculture, fisheries business or activities relating to the use, development, conservation, and management of the city waters and its coastal and fisheries resources;
- d. All people, entities or corporations that use and/or intend to use the coastal, marine, fisheries and aquatic resources of the City of Alaminos.

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**SECTION 4. ROLES AND COORDINATION** – The City Government in conjunction with the Barangay Units, the B/CFARMCs, the CAFc, the Bantay Dagat, and other duly accredited NGOs, shall be responsible for the management, conservation, development, protection, utilization, and disposition of all the coastal and marine resources as well as for the regulation and supervision of the production, capture and gathering of fish and fishery or aquatic products within its City waters. It shall likewise enforce all fishery laws, rules, and regulation within the afore stated scope hereof, including the utilization, development and protection of its foreshore areas and shores, conservation of mangroves as well as allied fishery laws, ordinance and rules duly enacted to regulate such activities in such area as may be forming part of the whole expanse and resources of the city water.

**SECTION 5. INTER-GOVERNMENT RELATIONS** – The local government shall likewise enlist and promote coordination among all NGAs and other adjoining LGUs, in the enforcement of all laws relating to the coastal management of the City waters and to the environmental protection of the foreshore areas and marine resources to the development of tourism along the shorelines and coastal areas of the City particularly the determination of the extent of its territorial jurisdiction over the marine waters, the registration and grant of licenses to motorized and non-motorized fishing boat as well as service boat, and the identification thereof thru alpha-numeric coding based on the use of such watercraft, as well as other communal activities and enterprise of fishing and fisheries.

**SECTION 6. DEFINITION OF TERMS** - For purposes of this Ordinance, the following terms and phrases are and shall be understood as hereunder defined, except if when the same are by context, specifically used to mean otherwise.

1. **ANCILLARY INDUSTRIES** – firm or companies related to the manufacture, supply, construction and maintenance of fishing vessels , gears, nets and other fishing paraphernalia , fishery shops and other facilities such as hatcheries, nurseries, feed plants, refrigeration, processing plants and other pre-harvest and post-harvest facilities.
2. **APPROPRIATE FISHING TECHNOLOGY** – adaptable technology, both in fishing and ancillary industries that are ecologically sound, locally source-based and labor intensive.
3. **AQUACULTURE** – fishery operations involving all forms of raising and culturing fish and other fishery species in fresh, brackish and marine water areas.
4. **AQUATIC POLLUTION** – the introduction by human or machine directly or indirectly, of substance\ or energy to the aquatic environment which result or is likely to result in such deleterious effects as to harm living and non-living aquatic resources, pose potential and/or real hazard to human health, hindrance to aquatic activities such as fishing and navigation, including dumping/ disposal of waste and other marine litters, discharge of petroleum or residual products of petroleum or carbonaceous materials/substances, and other radioactive, noxious or harmful liquid, gaseous or solid substances, from any water, land or air transport or other human-made structure. Deforestation, unsound agricultural practices such as the use of banned chemicals and excessive use of chemicals, intensive use of artificial fish feed, and wetland conversion, which causes similar hazards and deleterious effects, shall also constitute aquatic pollution.

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5. **AQUATIC RESOURCES** – includes fish, all other aquatic flora and fauna and other living resources of the aquatic environment, including but not limited to salt, corals, sands, silica, rocks, pebbles and other mineral deposits.
6. **ARTIFICIAL REEF (PAYAO, FISH AGGREGATING DEVICE)**– refers to any structure of natural or man-made materials placed on a body of water to serve as shelter and habitat, source of food breeding areas for fishery species and shoreline protection.
7. **AUXILIARY INVOICE** – refers to an official document accompanying the shipment of fishes and shellfishes but not limited to salt and other fishery by-products, issued by duly authorized representative of the City Government from its point of origin to its final destination in the country and/or export purposes, its quantity and estimated value if sold, the payment paid thereof and who received the payments, including the serial number of the official receipt used.
8. **BANTAY DAGAT** – refers to personnel of the Public Order and Safety Office who have undergone law enforcement training and duly deputized as Fish Wardens, constituted in accordance with law and authorized to enforce fishery laws, rules and regulation.
9. **BARANGAY GOVERNMENT UNIT** – comprises all the coastal barangays in the City duly constituted and empowered under R.A. 7160.
10. **BOUYS** – refers to the markers or floaters to be set up at the City waters in order to indicate its metes and bounds or the limits of the various zones to be established at the City waters.
11. **BUREAU** – refers to the Bureau of Fisheries and Aquatic Resources (BFAR)
12. **B/CFARMC** – shall mean the Barangay or City Fisheries and Aquatic Resource Management Council.
13. **CATCH CEILINGS** – refer to the annual catch limits allowed to be taken, gathered or harvested from any fishing area in consideration of the need to prevent over fishing and harmful depletion of breeding stocks of aquatic organisms.
14. **CATCH OR TAKE** – includes the killing, capturing trapping, snaring and netting of fish and fishery products.
15. **CITY GOVERNMENT** – means the Local Government of Alaminos City.
16. **CITY WATERS** – 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 7586 (The NIPAS Law), public forest, timber lands forest reserves or fishery reserves but also marine waters included between two (2) lines drawn perpendicular to the general coastline from points where the boundary lines of the city touch the sea at low tide and a third line parallel with the general coastline including offshore inlands and fifteen (15) kilometers from such coastline. Where two (2) cities are so situated on opposite shores that there is less than thirty (30) kilometers of marine between them, the third line shall be equally distant from opposite shore of the respective cities.

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17. **CLOSED SEASON** – refers to the period or month of the year during which the taking, catching or gathering of specified fishery species or fishery/aquatic products by a specified fishing gear or the use of specified fishing gear or fishing in a specified area or areas in the city waters is hereby prohibited.
18. **COASTLINE** – refers to the outline of the mainland shore touching the sea at mean lower low tide.
19. **COASTAL AREA/ZONE** – band of dry land affected by the proximity to the sea and that part of the Ocean affected by its proximity to the land. Its geographic extent may include areas within a landward limit of 1 km. from the shoreline to include mangrove swamps, brackish water ponds, nipa swamps, estuarine, rivers, sandy beaches and other areas reached by tides, as well as those areas within a seaward limit of 200 m. to include coral reefs, algae plants seagrass beds and soft bottom travelable areas.
20. **COASTAL RESOURCES** – encompasses all marine, aquatic and costal resources with ecological and socio-economic values such as mangroves, seagrass beds, coral reefs and fisheries.
21. **COASTAL RESOURCE MANAGEMENT** – a dynamic mechanism by which a coordinated strategy is developed and implemented for the allocation of environmental, socio-Cultural and institutional resources to achieve the conservation and sustainable multiple use of the coastal zone.
22. **COMMERCIAL FISHING** – the taking of fishery species by passive or active gear for trade, business or profit beyond subsistence or sports fishing, to be further classified as:
  - a. **SMALL SCALE COMMERCIAL FISHING** - fishing with passive or active gear utilizing fishing vessels 3.1 gross tons (GT) up to twenty (20) GT;
  - b. **MEDIUM SCALE COMMERCIAL FISHING** - Fishing utilizing active gears and vessels of 20.1 GT up to one hundred fifty (150) GT and;
  - c. **LARGE SCALE COMMERCIAL FISHING** - fishing utilizing active gears and vessels of more than one hundred fifty (150) GT.
23. **COMMERCIAL SCALE** – a scheme of producing a minimum harvest per hectare per year of milkfish or other species including those raised in pens, cages, and tanks to be determined by the Department in consultation with the concerned sector.
24. **CORAL** – the hard calcareous substance made up of the skeleton of marine coelenterate polyps, which includes reefs, shelves, and atolls or any of the marine coelenterate animals living in colonies where their skeletons form a stony mass. They include: (a) precious coral- skeletons of anthozoan coelenterates characterized as having a rigid axis of compact calcareous or horny spicules belonging to the genus corallium as represented by the red, pink, and white corals which are considered precious corals; (b) semi-precious coral-skeletons of anthozoan coelenterates characterized thorny, horny axis such as the antipatharians represented by the black corals which are considered semi-precious corals, and (c) ordinary corals which are any kind of corals that are not precious nor semi-precious.

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25. CORAL REEF – a natural aggregation of coral skeleton, with or without living coral polyps, occurs in intertidal and sub-tidal marine water.
26. DANISH SEINE – is an active fishing which consists of a conical net with a pair of wings, the ends of which are connected to a rope embedded with a buri, plastic strips, sinkers or any similar materials to serve as scaring /herding device and hauled through a mechanical winch or by manpower.
27. DEMARCATED AREAS – boundaries defined by markers and assigned exclusively to specific individuals or organizations for certain specified and limited uses such as but not limited to:
  - a. Fish trap / Fishpen / Fish cage areas
  - b. Seaweeds / Oyster culture area
  - c. Aquaculture, sea ranching and sea farming
  - d. Fish aggregating devices
  - e. Fixed and passive fishing gears; and
  - f. Fry and fingerlings gathering
28. DEPARTMENT – shall mean the Department of Agriculture.
29. DIRECTOR – refers to the Director of the Bureau of Fisheries and Aquatic Resources.
30. DOLPHINS – any of the certain small-toothed marine mammals of the order Cetacea having beak-like snouts, the neck vertebrae of which are partially fused.
31. DRAGNET - (local name- cadcad) is the fishing net attached to an iron or wooden frame and pulled or dragged by a motorized banca.
32. ELECTRO FISHING – means the use of electricity generated by dry cell batteries, electric generators or other sources of electric power to kill, stupefy, disable or render unconscious any fish or fishery/ aquatic products in both fresh or salt water areas, whether or not the same are subsequently recovered.
33. ENDANGERED, RARE AND/OR THREATENED SPECIES – aquatic plants, animals, including some varieties of corals and sea shell in danger of extinction as provided for in existing fishery laws, rules and regulations or in the Protected Areas and Wildlife Bureau of the Department of Environment and Natural Resources (**DENR**) and in the Convention or the International Trade of endangered Species of flora and Fauna (**CITES**).
34. ENDANGERED SPECIES – refers to a species and sub-species of aquatic organisms whose population is in danger of extinction and whose survival is unlikely if the causal factor is not reversed.
35. ESTABLISHMENT – refers to any kind of structures to be established within the coastal zone includes hotels, inns pension houses, rest houses, restaurants dinners, toilet facilities, huts or shade as well as industries or commercial establishments.

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36. EXCLUSIVE ECONOMIC ZONE (EEZ) – an area beyond and adjacent to the territorial sea which shall not extend beyond 200 nautical miles from the baselines as defined under existing laws.
37. EXPORT – means to send or ship out the country.
38. FARM TO MARKET ROAD – shall include roads linking the Fisheries production sites, coastal points and other post-harvest facilities to major market and arterial roads and highways;
39. FILTER NET – a modified fish coral consisting of two (2) constructed bamboo/wooden frames with nets to a conical shape with bunt anchored with bamboo pole usually, with easy entrance and difficult to exit for catching dispersal and pelagic species of fish installed either marine, brackish or freshwater.
40. FINE MESH NET – net with mesh size of less than three (3) centimeters measured between two opposite knots of a full mesh when stretched or as otherwise determined by the appropriate government agency.
41. FINGERLINGS – a stage in the life cycle of the fish measuring to about 6-13 centimeter depending on the species.
42. FISHERIES – refers to all activities relating to the act or business of fishing, culturing, preserving, processing, marketing, developing, conserving, and managing aquatic resources and the fishery areas, including the privilege to fish or take aquatic resources thereof.
43. FISH AND FISHERY / AQUATIC PRODUCTS – include not only finfish but also mollusks, crustaceans, echinoderms, marine mammals, and all other species of aquatic flora and fauna and all other products of aquatic living resources in any form.
44. FISH PEN – an artificial enclosure conducted within a body of water for culturing fish and fishery/aquatic resources made up of poles closely arranged in an enclosure with wooden materials, screen or nylon netting to prevent escape of fish.
45. FISH POND – refers to the bodies of water enclosed by embankments where fish are grown and produced.
46. FISH REFUGE AND SANCTUARIES – a designated area/s where fishing or other forms of activities, which may damage the ecosystem of the area, is prohibited and human access maybe restricted.
47. FISH TRAP / FISH CORRAL – locally known as "Pasabing" or "Baklad". A fixed impounding net usually supported by either bamboo or wood sticks held in place with easy entrance and difficult exit.
48. FISHERY RESERVE – a designated area where activities are regulated and set aside for educational and research purposes.

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49. FISHWORKER / FISHERFOLK – people directly or personally and physically engaged in taking and/or culturing and processing fishery and/or aquatic resources.
50. FISHERFOLK COOPERATIVE – a duly registered association of fisherfolk with a common bond of 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.
51. FISHERFOLK ORGANIZATION – an organized group, association, federation, alliance or an 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.
52. FISHERY FARM LOT – a body of marine or brackish water used for the culture of fish and other marine species with license.
53. FISHERY MANAGEMENT AREA – a bay, gulf, lake or any other fishery area which may be delineated for fishery resource management purposes.
54. FISHING BOAT / VESSEL – includes all boats, motorized or non-motorized such as bancas, sailboats or any type of watercraft, whether licensed or not, equipped to be used for taking of fishery species or aiding or assisting one (1) or more vessels at sea in the performance of any activity relating to fishing, including but not limited to the preservation, supply, storage, refrigeration, transportation and processing.
55. FISHING GEAR – any instrument or device and its accessories utilized in taking fish and other marine species.
  - a. ACTIVE FISHING GEAR – is a fishing device characterized by gear movement 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 either manual or mechanical; such as, but not limited to Trawl, Purse Seine (Pangulong), Danish Seine, Ring Net (Kubkob), Drive-in Net (Pa-aling, Kayakas), Round Haul Seine (Sapyaw, Lawag), Bagnet (Basnig), Motorized Push Net (Sudsod) and Tuna Longline. Such fishing device is banned from operating within the fifteen (15) kilometer city waters of Alaminos City.
  - b. PASSIVE FISHING GEAR – is characterized by the absence of gear movements and/or the pursuit of the target species; such as, but not limited to, hook and line, fishpots, traps and gill nets across the path of the fish.
56. FISHING INDUSTRY – refers to the fisheries sector covering catching, growing, harvesting, processing, marketing, developing, conserving and managing of aquatic resources.
57. FISHING LICENSE – a privilege or permit to fish in city waters granted to registered fisherfolk by the City Government.

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58. **FISHING WITH THE USE OF EXPLOSIVES** – the use of the dynamite, other explosives or other chemical compounds that contains combustible elements or ingredients which upon ignition by friction, concussions, percussion, or detonation of all or parts of the compound, will kill, stupefy disable or render unconscious any fishery species. It also refers to the use of any other substance and/or device which causes an explosion that is capable of producing the said harmful effects on any fishery species and aquatic resources and capable of damaging and altering the natural habitat.
59. **FISHING WITH THE USE OF OBNOXIOUS OR POISONOUS SUBSTANCES** – means the use of substances, plants, extracts or juices thereof, chemical, whether in raw or processed form, harmful, or harmless to human beings that kills, stupefy, disable or render unconscious any fish or fishery/aquatic products.
60. **FORMALIN** – a chemical solution known as Formaldehyde, used as an antiseptic, disinfectant and preservative and in industry particularly in embalming.
61. **FRY** – a stage at which a fish has just been hatched usually with sizes from 10-25 millimeters.
62. **GROSS TONNAGE** – the product of vessel tonnage length, tonnage depth, and tonnage breadth modified by a factor of 0.70 divided by 2.83
63. **HAZARD ANALYSIS CRITICAL CONTROL POINT (HACCP)** – preventive quality management system which identifies, evaluates and controls the hazards which are documents delineating the procedure to be followed in accordance with the seven (7) HACCP Principles to ensure food safety.
64. **HEALTH HAZARD** – refers to any biological, chemical contamination or physical agent that has adverse effects on humans or aquatic organisms.
65. **ILLEGAL FISHING** – the unlawful taking of fish, fishery species or aquatic resources from their wild state or habitat without permit or license or with the use of unregistered fishing vessel/boat and or fishing gears, explosives, noxious/poisonous substances, electricity, and other methods specifically prohibited and defined in this ordinance, laws, decrees, policies and rules and regulations on fishing and/or fisheries.
66. **INLAND BODIES OF WATER** – includes but not limited to dams, small freshwater reservoir and small water impounding project.
67. **INLAND FISHING** – the freshwater fishery and brackish water fishponds.
68. **KAYAKAS** – (Tagalog) Bahan, Bahig \* Lukay\*, Lukayan' pukot\* Likom-Likom in (Visayan) and Bahan in (Bicol), menas the Local version of the muro-ami\* but smaller in size using bamboos/trunk of trees as scaring device aside from the coconut or other leaves or materials used to scare and drive the fish out of the coral reefs while at the same time pounding the corals which makes it destructive to the corals.
69. **LAKE** – an inland body of water, an expanded part of a river, a reservoir formed by a dam, or a lake basin intermittently or formerly covered by water.

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70. LICENSE – refers to the privilege granted to individuals or legal entities to make use of the coastal resources as well as fisheries of the City upon proper payment of the required fees.
71. LIMITED ACCESS – a fishery policy by which a system of an equitable resource use and allocation is established by a law through fishery rights granting and licensing procedure as provided by this code.
72. MACKERELS – shall mean species of fish belonging to the family Scombridae and known under the following scientific names: *Rastrellinger brachysoma*, short bodied mackerels, "hasa-hasa" and *Rastrellinger chrysozomus*, striped mackerels, "alumahan" and "bulao".
73. MANGROVES – Any of the many genera of woody plants that are capable of living and growing in salt water or salty soils. The mangrove forest harbors a rich biological community that is supported by the mangrove and associated species of trees and other plants.
74. MANGROVE RESOURCES – refers to all terrestrial and aquatic flora and fauna in the mangroves, including land and minerals which can bestow any form of services, influences and amenities to man and his environment and found along the coastline and estuaries, including brackish fishponds, extending along streams where the water is brackish.
75. MARGINAL FISHERMAN – refers to an individual engaged in subsistence fishing which shall be limited to the sale, barter or exchange of marine products caught or produce by himself and his immediate family, whose annual net income from such fishing does not exceed Fifty Thousand Pesos (Php 50, 000.00) or the poverty line established by NEDA for the particular region, or locality whichever is higher.
76. MAXIMUM SUSTAINABLE YIELD (MSY) – is the largest average quantity of fish that can be harvested from a fish stocks/ resource within a period of time (e.g. one year) on a sustainable basis under existing environmental conditions.
77. MIGRATORY SPECIES – refers to any fishery species which in the course of their life could travel from freshwater to marine water or vice-versa, or any marine species which travel over great distances in waters of the ocean as part of their behavioral adoption for survival and speciation.
  - a. ANADROMOUS SPECIES – marine fisheries which migrate to freshwater areas to spawn
  - b. CATADROMOUS SPECIES – freshwater fishes which migrate to marine areas to spawn.
  - c. AMPHIDROMOUS – species of fish migrating from fresh to salt water environment and vice-versa not for the purpose of breeding but as part of their life cycle.

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78. MODIFIED DANISH SEINE - is an active fishing gear locally termed as hulbot-hulbot, palisot, zipper, bira-bira, hulahoop, liba-liba, buli-buli and other coined names consists of a conical net with a pair of wings, the ends of which are connected to a rope embedded with buri, plastic strips, sinkers or any similar materials to serve as scaring/herding device as hauling ropes passing through a ring permanently attached to a tome weight (lingote) and hauled through a mechanical winch or by manpower.
79. MOTORIZED PUSH NET OR "SUNGKIT" - a type of scissors nets stalled to the head portion of a motorized fishing boat use in catching shrimps fry or "hipon".
80. MONITORING CONTROL AND SURVEILLANCE -
- MONITORING - the requirement of continuously observing: (1) fishing effort that can be expressed by the number of days or hours of fishing, number of fishing gears.
  - CONTROL - the regulatory conditions (legal framework) under which the exploitation utilization and disposition of the resources may be conducted.
  - SURVEILLANCE - the degree and types of observation required to maintain compliance with regulations.
81. MURO-AMI (DRIVE-IN-NET) - means a Japanese fishing gear used in reef fishing which consist of a movable bagnet and two detachable wings, affecting the capture of fish by spreading the net in arc form around reefs or shoals and with the aid of scaring devices, a cordon of fishermen drive the fish from the reefs toward the bag portion of the whole net.
82. NON-GOVERNMENT ORGANIZATION (NGO) - refer to agency institution, a foundation or a group of persons whose purpose is to assist people's organization/associations in various ways including but not limited to organizing, education, training, and research and/or resource accessing.
83. PEARL FARM LEASE - public waters leased for the purpose of producing cultured pearls.
84. PEOPLE'S ORGANIZATION - a bonafide association of citizens with demonstrated capacity to promote the public interest and with identifiable leadership, membership, and structure. Its members belong to a sector/s who voluntarily bands themselves together to work for and by themselves for their own upliftment, development and greater good.
85. PERSON - natural or juridical entities such as individual, associations, partnership, cooperatives or corporations.
86. PERMIT - is the legal authority granted for fishing privilege and utilization of the coastal resources of the city issued by the City Mayor.
87. POST HARVEST FACILITIES - these facilities include, but not limited to, fishport, fish landing, ice plants and cold storages, fish processing plants.

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88. PURSE SEINE - a form of encircling net having a line at the bottom passing through rings attached to the net, which can be drawn or pursed. In general, the net is set from a boat or from a boat or pair of boats around the school of fish. The bottom of the net is pulled closed with the purse line. The net is then pulled aboard the fishing boat or boats until the fish are concentrated in the bunt or fish bag.
89. RARE SPECIES - refers to species and sub-species of aquatic organisms found in every small number are specialized areas or habitat in the country.
90. RESOURCE RENT - the difference between the value of the products produced from harvesting a publicly owned resource less the cost of producing it, where cost includes the normal return to a capital and normal return to labor.
91. SABALO - means the full grown milkfish (Bangus) measuring more than sixty (60) centimeters in length from the tip of its mouth to the extreme end of the caudal fin or tail.
92. SALVAGE ZONE - refers to the strip of land along the shoreline measured twenty (20) meters inward from the line of water at high tide which is beyond the commerce or man as it is deemed a public area.
93. SANITATION STANDARD OPERATING PROCEDURES (SSOP) - Written procedures to be followed to ensure that the processing and production of a certain product is carried out under sanitary and hygienic conditions.
94. SCARELINES (SECORSA) - means a device made up of rope usually No. (2.5 mm-3.5mm) measuring 30-60 meters long with Styrofoam, bamboo, or synthetic materials used as floats at both ends of the rope and stones lead or iron chains of about 2 to 5 kilos as weight. Along the ropes to which the weights are tied are 8-10 white plastic measuring 1 inch by 3 feet long or coconut or other leaves or materials tied at one meter intervals starting from the weight.
95. SEA FARMING - the stocking of natural or hatchery-produced marine plants or animals, under controlled conditions, for purposes of rearing and harvesting, but not limited to commercially - important fishes, mollusks (such as -pearls and giant clam culture), including seaweeds and seagrasses.
96. SEAGRASS BEDS - Areas of salt tolerant plants that occur in shallow nearshore waters, estuaries, lagoons and adjacent to coral reefs. They hold sediment in place, support a rich detrital community, and provide food and habitat for many important nearshore species.
97. SEA RANCHING - the release of the young of fishery species reared in the hatcheries and nurseries into natural bodies of water subsequently harvest at maturity or the manipulation of fishery habitat to encourage the growth of the wild stocks.
98. SUPERLIGHT - also called a magic light, is a type of light using halogen or metal halide bulb which may be located above the sea surface or submerged in the water. The source of any energy comes from a generator, battery or dynamo coupled with the main engine.

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99. THREATENED SPECIES - refers to species and sub-species of aquatic organisms which have reached critical level of depletion and are threatened with extinction.

### ARTICLE II CITY WATERS

**SECTION 7. TERRITORIAL BOUNDARY** - Pursuant to the Local Government Code of 1991 (RA 7160), the Philippine Fisheries Code of 1998 (RA 8550) and as defined in this ordinance, the city waters of Alaminos City based on Republic Act 9025 shall be within the following geographic coordinates:

POINT	LATITUDE	LONGITUDE
Beginning at 1	16° 14' 54" N	119° 55' 29" E
thence 2	16° 15' 10" N	119° 55' 30" E
thence 3	16° 15' 22" N	119° 56' 02" E
thence 4	16° 15' 22" N	119° 56' 23" E
thence 5	16° 15' 04" N	119° 57' 30" E
thence 6	16° 14' 18" N	119° 58' 13" E
thence 7	16° 14' 04" N	119° 58' 50" E
thence 8	16° 13' 40" N	119° 58' 50" E
thence 9	16° 13' 14" N	119° 58' 59" E
thence 10	16° 13' 01" N	119° 58' 58" E
thence 11	16° 12' 51" N	119° 59' 07" E
thence 12	16° 12' 56" N	119° 59' 35" E
thence 13	16° 13' 21" N	120° 00' 10" E
thence 14	16° 13' 25" N	120° 00' 32" E
thence 15	16° 13' 23" N	120° 01' 14" E
thence 16	16° 13' 25" N	120° 01' 45" E
thence 17	16° 13' 57" N	120° 02' 12" E
thence 18	16° 14' 36" N	120° 02' 30" E
thence 19	16° 14' 57" N	120° 03' 04" E
thence 20	16° 16' 48" N	120° 08' 27" E
thence 21	16° 17' 29" N	120° 10' 37" E
thence 22	16° 16' 39" N	120° 11' 00" E
thence 23	16° 16' 00" N	120° 11' 16" E
thence 24	16° 13' 30" N	120° 06' 54" E
thence 25	16° 13' 09" N	120° 06' 21" E
thence 26	16° 12' 13" N	120° 05' 41" E
thence 27	16° 10' 50" N	120° 04' 53" E
thence 28	16° 10' 03" N	120° 04' 41" E
thence 29	16° 09' 48" N	120° 04' 37" E

**SECTION 8. JURISDICTION OF THE CITY GOVERNMENT** - The City Government shall have jurisdiction over all its city waters, coastal and fishery resources. The City Government shall be responsible for the management, conservation, development, protection, utilization and disposition of all coastal and fishery resources within the city waters. The City Government, in consultation with the CFARMC, shall enact corresponding ordinances and issue executive orders thereon. Provided, that all ordinances enacted and executive

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orders issued by the City Government shall conform with the existing national and local laws and policies and shall not endanger the sustainability of the coastal and fishery resources or destroy the ecological balance: Provided, however, that the City Government, in coordination with the CFARMC and other concerned agencies and institutions, shall also enforce all fishery and environmental laws, rules and regulations as well as coastal and fishery resources-related ordinances enacted by the Sangguniang Panlungsod.

**SECTION 9. ZONATION OF THE CITY WATERS** - The city waters of Alaminos are hereby divided and classified into following major zones:

**I. CONSERVATION, PROTECTION AND REHABILITATION ZONE**

**A. MARINE PROTECTED AREA MANAGEMENT PROGRAM**

➤ Mangrove Rehabilitation Project

- Barangay Pangapisan
- Barangay Mona
- Barangay Baley-adaan
- Barangay Lucap
- Barangay Bued
- Barangay Sabangan
- Barangay Pandan
- Barangay Telbang

➤ Seagrass Conservation and Protection Project

- Barangay Lucap

**B. FISH SANCTUARY MANAGEMENT PROGRAM**

- Barangay Telbang

**C. WATER QUALITY MONITORING PROGRAM**

➤ Mariculture Site

- Barangay Pangapisan
- Barangay Mona
- Barangay Cayucay
- Barangay Baley-adaan
- Barangay Victoria

➤ Beach / Tourism Site

- Barangay Lucap
- Barangay Pandan

**II. MARICULTURE ENTERPRISE DEVELOPMENT ZONE**

**A. AQUACULTURE / SEAFARMING**

➤ Fish Pen (Bangus)

- Barangay Cayucay
- Barangay Baley-adaan

➤ Fish Pen (Lapu-Lapu, Malaga, Talakitok, Angrat)

- Barangay Pangapisan
- Barangay Mona
- Barangay Cayucay
- Barangay Baley-adaan

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- Fish Cage (Bangus / Finfishes)
  - Barangay Victoria
  
- Seaweeds Culture Production
  - Barangay Telbang
  - Barangay Victoria
  
- Oyster Culture Production (Stake Hanging Method)
  - Barangay Pangapisan
  - Barangay Mona
  - Barangay Cayucay
  - Barangay Baley-adaan
  
- Sea Urchin Culture Production
  - Barangay Telbang
  - Barangay Victoria

### B. FISHTRAP (PASABING) OPERATION

- Barangay Pangapisan
- Barangay Mona
- Barangay Cayucay
- Barangay Baley-adaan
- Barangay Lucap

### III. ECO-TOURISM ZONE

#### A. HUNDRED ISLANDS NATIONAL PARK (HINP)

#### B. MANGROVE TOURIST DESTINATION

- Barangay Pandan (HINP Area)
- Barangay Sabangan
- Barangay Bued
- Barangay Lucap (Cabatugan Tidal Flat)
- Barangay Baley-adaan
- Barangay Mona
- Barangay Pangapisan

#### C. BEACHFRONT DEVELOPMENT

- Barangay Pandan
- Barangay Telbang
- Barangay Victoria

**SECTION 10. USE OF THE CITY WATERS** - All fishery and coastal-related activities in the city waters are subject to the regulation of the City Government.

The use and exploitation of the city waters and the coastal and fishery resources of the city shall be reserved for the residents of Alaminos City, interest with preferential rights to the ordinary marginal fisherman; Provided, that other activities such as, but not limited to, research and monitoring activities, may be allowed under appropriate regulations, for purely research, scientific, technological and educational purposes that would benefit the city fisherfolk, and stakeholder's interest.

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**SECTION 11. USERS OF CITY WATERS** - Subject to existing laws and regulations, all fisheries and coastal related activities in the city waters shall be exclusively utilized by the registered fisherfolk of Alaminos City and their organizations and cooperatives duly accredited by the Sangguniang Panlungsod: Provided, however, that no commercial fishing vessel is allowed to operate within the city waters.

**SECTION 12. REGISTRY OF CITY FISHERS** - The City Government shall maintain a registry of city fishers for the purpose of determining priorities among them, of regulating and limiting entry into the city waters, and of monitoring fishing activities and/or other related purposes: Provided, that such list or registry shall be updated annually or as often as may be necessary, and shall be posted in barangay halls or other strategic locations where it shall be open to the public, for the purpose of validating the correctness and completeness of the list.

Provided however, that the City Government, in consultation with the B/CFARMC shall formulate the necessary mechanisms for inclusion or exclusion procedures that shall be most beneficial to the resident city fishers. The B/CFARMC may likewise recommend such mechanisms. Provided further, that the City Government shall also maintain a registry of city fishing vessels, type of gears and other boat and fishing particulars.

### **ARTICLE III** **UTILIZATION AND EXPLOITATION OF FISHERY RESOURCES**

**SECTION 13. DEMARCATED FISHERY RIGHT** - The City Government shall grant demarcated fishery rights to fisherfolk organizations/cooperatives for capture fisheries, mariculture operation and other related fishery activities in specific areas identified by the City.

Rule 13.1. Identification of Demarcated Fishery Areas- The City Government, through the City Fisheries Management Section, in coordination with FARMC, Fisherfolk Organization and Barangay Council, shall identify areas within the city waters suitable for capture, mariculture operations and other related fishery activities and establish the linear boundaries of the area to be declared as demarcated fishery area.

**SECTION 14. GRANT OF PRIVILEGES FOR OPERATION OF FISHPEN, FISH CAGES, FISHTRAPS, OYSTER / SEaweeds CULTURE STRUCTURES, ARTIFICIAL REEFS / PAYAOS** - The Sangguniang Panlungsod may grant exclusive fishery privilege in designated areas in the city waters of Alaminos pursuant to section 149 of the Local Government Code of 1991. Exclusive fishery privilege shall be granted for the construction of fish corrals/traps, fish pens, fish cages, oyster/seaweeds culture, artificial reefs/payaos and gathering of fries provided however that pursuant to section 53 of RA 8550, no new concession, licenses, permits, leases or similar privileges for the establishment or operation of fishpens, fish cages, other aquaculture activities, fish corrals / traps and other similar structures in the city areas shall be granted except to registered city fisherfolk and their organizations.

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**SECTION 15. PRIORITIZATION IN THE GRANTING OF FISHERY PRIVILEGES, LICENSE AND PERMIT** – Registered and accredited fisherfolk organizations, cooperatives and other People's Organization, which have City Fishers comprising the majority of their members and are listed in the registry of city fishers may be granted use of demarcated fishing areas to engage in fish capture, mariculture and or fish farming. Provided that resident registered city fisherfolk of Alaminos, their Organization/Cooperatives shall have the priority to exploit city and demarcated areas. Provided, further; that an organization/cooperative member whose household is already in possession of a fishery right other than for fish capture cannot enjoy the fishing rights granted to the organization or cooperative.

1. **FIRST PRIORITY** - The duly registered City fisherfolk organization/cooperative within the area/barangay concerned whose member is listed in the Registry of City Fisherfolk shall have preference in the grant of fishery rights by the City Government pursuant to Section 149 of the Local Government Code. Provided further, that such fisherfolk organization/cooperative shall be allowed to apply areas only within its area of operation.
2. **SECOND PRIORITY** – Registered fisherfolk and or their legitimate organization/cooperative within the City of Alaminos.

**SECTION 16. GUIDELINES FOR THE EVALUATION OF APPLICATION FOR FISHERY AND MARICULTURE PROJECT** – The Fisheries and Coastal Management Section and the B/CFARMC shall be guided with the following rules in evaluating projects and issuance of permit/licenses for the appropriate use and sustainable development of fisheries and aquatic resources.

- 16.1. It shall provide protection to the capability of the particular resources to renew itself to optimum harvestable levels.
- 16.2. It shall not endanger the economic and ecological viability of the resources in a designated area.
- 16.3. It shall protect the rights of fisherfolk to preferential use of the resource.
- 16.4. All projects which will have an impact on fish and fishery / aquatic resources are required to submit an environmental impact assessment for evaluation and approval of the City Government before the Fisheries and Coastal Management Section and FARMCs issues of a certification to proceed with the project in addition to the requirement of other concerned agencies.

**SECTION 17. LOCAL PREQUALIFICATION ON BIDS AND AWARDS COMMITTEE** – To handle the prequalification, public bidding and awards there shall be a Committee composed of the City Mayor, as Chairman, the City Treasurer and two (2) members of the Sangguniang Panlungsod, CFARMC Chairman, Fisheries and Coastal Management Section Chief or its duly representative, and NGO representative as member.

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**SECTION 18. TIME AND PLACE OF AUCTION** - The Sangguniang Panlungsod shall in a resolution, provide for the rules for the holding of the public bidding for the grant of exclusive fishery privileges, specifying the time, date and venue of such auction, the minimum bids therefore, the amount to be deposited for entitlement to participate, the procedure to be followed by the committee, and the amount of bond as guaranty of good faith and for satisfactory compliance to the terms of the grant of license. The bond shall be in cash, in real estate situated within the Philippines, or by a surety company authorized for that purpose, in an amount equivalent to not less than two (2) years rental if for a five-year period at the maximum.

**SECTION 19. PUBLICATION OF NOTICE** - The Local Prequalification Bids and Awards Committee shall cause the publication of the notice to bid in any bulletin board of the City and in other conspicuous places in the City frequented by the public for wide advertisement for a period not less than fifteen (15) days prior to the holding of such public auction. The Agenda and other information relative to the bidding shall be deliberated by the Committee at least one (1) week before such public auction.

**SECTION 20. GROUNDS FOR CANCELLATION OF EXCLUSIVE FISHERY PRIVILEGE / DISAPPROVAL FOR APPLICATION FOR THE FISHERY PRIVILEGES** - Application for fishery privileges shall be rejected on any of the following grounds:

1. lack/loss of interest/default on the part of the applicant;
2. area applied for is not available or suitable for the purpose of which it is applied/ desire for;
3. voluntary withdrawal of application by the applicant;
4. applicant is not qualified in accordance with this ordinance;
5. fraudulent, false or misleading statement in the application;
6. failure to comply with the requirements;
7. failure to comply with waste management regulation;
8. death of the applicant, or dissolution of judicial person; and
9. when public interest so requires

### **ARTICLE IV**

#### **MANAGEMENT, DEVELOPMENT AND CONSERVATION OF COASTAL AND FISHERIES RESOURCES**

**SECTION 21. ESTABLISHMENT OF CLOSED SEASONS AND FISHING BANS** - In order to allow the regeneration of aquatic and marine biodiversity, it is hereby prohibited to fish or capture fish, or gather specified fishery species or aquatic product by a specified fishing gear or the use of specified fishing gear in a specified area/s in the city waters on specified months of the year indicated to wit:

- a. Closed Season on the Operation of Drift Gill Net, Pamo, Litting and Baby Litting and its variation during the month of February to July of each year.
- b. Closed Season of catching Padas during the month of April - July of each year.
- c. Closed Season of gears such as Sagap (Man push net), Sayudsod, the five (5) days before and five (5) days after the New Moon every month of March, April and May of each year. Provided that, cod-end net (bubo) of fish trap (pasabing) shall also be lifted during this period.

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**SECTION 22. LIMITED ENTRY INTO OVERFISHED AREAS** – Whenever it is determined by the City Government and B/CFARMC's that the city water is overfished based on available data or information or in danger of being overfished, and that there is a need to regenerate the coastal and fishery resources, the City Government through the Sangguniang Panlungsod in consultation with the CFARMC, shall enact an ordinance prohibiting or limiting fisheries activities within the area.

Rule 22.1 Determination and Declaration of Overfished Areas in City Waters – The City Government in coordination with B/CFARMC, Research Institution, BFAR and DENR shall determine and declare areas within the City waters which are overfished or in danger of being overfished or in need of regeneration. Provided, however, that the Sangguniang Panlungsod shall issue the appropriate regulation prohibiting or limiting fisheries activities in the area.

**SECTION 23. REGULATION ON THE ESTABLISHMENT AND OPERATION OF FISHPEN, FISHCAGES, FISHTRAP AND OTHER FISHERY STRUCTURES** – Fishpen, fishcages, fishtraps and other structures for the culture of fish and other fishery products shall be constructed and shall operate only within the established zones duly designated by the City Government in consultation with the CFARMC, in accordance with the Integrated Coastal Resource Management Plan (ICRMP) and consistent with national fisheries policies, and after the corresponding requirements have been secured and the business license and permit fee have been paid to the City Treasurer's Office.

Provided, however, that not over ten percent (10%) of the suitable water surface area be allotted for aquaculture purposes like fishpens, fishcages, and fishtraps; and the stocking density and feeding requirement shall be controlled and determined by its carrying capacity.

Provided, further, that no structures will be established fifty (50) meters away from mouth of rivers so as not to impede the flow and ebb of tide, navigation and migration path. All fishery structure and operation shall be regulated in order to prevent any Fishkill or pollution of the City waters, and periodic de-siltation or clearing of sea-bottom on the fishpen, fishcage and fishtrap areas shall be enforced by the City Government in coordination with the CFARMC and Barangay Council.

**SECTION 24. USE OF PAYAO** – The City Government shall regulate the establishment and use of payao and other fish aggregating devices (FADs) in the city waters: Provided, that no payao or any other fish aggregating devices shall be deployed within the rivers, mouth of the rivers, navigational lane, coral reef and seagrass areas, fronting seaports and wharfs and within a distance of not less than one (1) kilometer from existing natural reef, if any, and five hundred (500) meters away from existing ARs within the city waters:

Provided, however, that only registered city fishers of Alaminos City and their duly registered organization shall be given priority for the establishment of payao in the city waters. Provided further, that the City Mayor shall issue business permit to prior to establishment and only subsistence fishing with the use of hook and line shall be allowed.

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**SECTION 25. MANGROVE PROTECTION AND CONSERVATION** - The City Government through the Fisheries and Coastal Management Section, in coordination with the Department of Environment and Natural Resources, the CFARMC, Barangay Council, NGOs, Academe and other concerned organization, shall initiate proper management of mangrove areas: Provided, that the City Government, in coordination with the Department of Environment and Natural Resources shall develop programs that promote and ensure community participation in the rehabilitation and management of existing mangrove areas.

**SECTION 26. PROTECTION OF SEAGRASS AND OTHER MARINE HABITATS** - The City Government, in coordination with the CFARMC, Barangay Officials, NGOs, Academe and other concerned organizations, shall ensure the protection and conservation of seagrass beds and other marine habitats in the city waters. Provided, that the City Government, in consultation with the CFARMC, shall regulate the use of fishing gears and other human activities that may adversely affect the marine habitat.

**SECTION 27. COASTAL AND AQUATIC POLLUTION** - All activities in the grounds or waters, directly or indirectly, which result or likely to result in such deleterious effect which harm living and non-living aquatic resources, hazards to human health, hindrance to coastal or fishery activities such as fishing and navigation, including dumping/disposal of waste and other marine litter shall be prohibited. Provided, that, it shall be the responsibility of the polluter to contain, remove and clean-up pollutants at his/her own expense. Provided, however, that in case of failure to do so, the City Government in coordination with other concerned agencies and institutions, shall undertake containment, removal and clean-up operations and the expenses incurred in said operation shall be charged against the person and/or entities responsible for such pollution.

**SECTION 28. MAINTENANCE OF WATER QUALITY AND CLEANLINESS** - The City Government shall monitor the quality of the water at the optimal level relative to natural productivity and the cleanliness of the areas devoted for aquaculture development.

The operators and owners of aquaculture/mariculture facilities/structure shall develop a mechanism of proper waste disposal. Violation of this section may be a ground for the cancellation of the permit to operate aquaculture/mariculture/fishing activities.

**SECTION 29. NON - OBSTRUCTION TO NAVIGATION** - Nothing in any section of this ordinance shall be construed as permitting the lessee or license holder to undertake any construction or establishment of any structure which will obstruct the free navigation and flow or ebb of tide in any stream, river, designated navigational lane or in any marine areas of the City waters flowing through or adjoining the fishpen or fishpond, or impede the flow and ebb of the tide to and from the area herein the lessee or licensee, grantee or permittee is granted to a fishery privilege. Any construction made in violation thereof shall be removed immediately by the owner upon receipt of notice thereof. In case of involuntary dismantling, the City Government will dismantle the structure. The lessee, owner or occupants thereof shall pay the corresponding amount of and a corresponding case shall be filed in proper court against the violator.

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**SECTION 30. NON-OBSTRUCTION TO DEFINED MIGRATION PATHS** - Nothing in the foregoing sections shall be construed as permitting the leasee, permittee, or licensee holder to undertake establishment or construction of any fishery structure which will obstruct any defined migration path of catadromous, anadromous and amphidromous species such as river mouths and estuaries.

Provided further that no fishpen, fish trap or any other structures shall be constructed fifty (50) meters away from the mouth of the river, streams or delta.

**SECTION 31. NAVIGATIONAL ROUTE** - The City Government, in consultation the CFARMC, shall designate the navigational routes of ferries and other fishing crafts and shall disallow any activity that shall obstruct the designated navigational route. Provided, that nothing in the foregoing section shall be construed as permitting the leasee, licensee or permittee to undertake any construction of fishery structure which may obstruct free navigation and impede water circulation such as the flow of tide to and from the area.

**SECTION 32. FISH LANDING POINTS** - In accordance with the coastal management plan, duly approved upon recommendation of the Sangguniang Panlungsod, the fish landing points shall be designated where all fish catch and other sea products entering the City shall land and unloaded and where the same are inspected by the City Fishery Inspector, before they are offered for sale to the public.

**SECTION 33. RESTRICTION AT THE FORESHORE LAND** - The banks of rivers and streams and the shores of the seas, and throughout their entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas are subject to the easement of public use in the interest of recreation, navigation, floatage, fishing and salvage. This strip of land shall be retained and preserved as permanent forest for stream or river bank protection and shoreline buffer in coastal areas and are absolutely non-alienable.

Reclamation of foreshore land/areas are subject to existing national law or policy on reclamation, provided however, that a favorable endorsement from the concerned Barangay Council, with the approval of the Sangguniang Panlungsod and permission from the City Mayor subject to existing land-use and zoning plan of the City.

**SECTION 34. LAND CONVERSION FOR FISHPONDS** - In order to conserve freshwater supply and forestall salination of farmlands; no land shall be converted into fishpond without the necessary clearance and permit as well as compliance with all such environmental conservation measures as may be prescribed by law.

### **SECTION 35. REPORTING AND MONITORING SYSTEM - .**

- 1. FISH CATCH REPORT** - For statistical record purposes, any person or entity who has obtained a grant or license to take or catch fish in the City waters of this city shall submit a bi-annual report of fish caught to the Fisheries and Coastal Management Section for statistical purposes. This report shall be prepared in triplicate showing the kind, quantity and value (if sold) of fish caught during the period and must be submitted within the first ten (10) days of the month of July and January of each preceding year.

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2. **FISH INSPECTION** - All fish, shrimps and other aquatic products intended for public consumption shall be inspected by the Fisheries and Coastal Management Section before they are offered for sale to the public as well as those to be shipped outside the City.
3. **MONITORING OF FISH LANDINGS AND SHIPMENT OF FISH AND FISHERY PRODUCTS** - The Fisheries and Coastal Management Section or Deputized Fish Wardens / Examiner is hereby authorized to monitor fish landings, and fish markets, particularly the kind of species and corresponding volume. Likewise, all fishery and aquatic products being shipped out of Alaminos City shall be monitored by the same office in coordination with the Public Order and Safety Office, Business Permit and Licensing Office and the Philippine National Police.
4. **MONITORING, CONTROL, AND SURVEILLANCE OF CITY WATERS** - A monitoring, control and surveillance system shall be established by the City Government in coordination with the Fisheries and Coastal Management Section, B/CFARMC, POSO- Bantay Dagat, Barangay Council and other agencies concerned to ensure that the fisheries and aquatic resources in the city waters are judiciously and wisely utilized and managed on a sustainable basis and concerned for the benefit and enjoyment, exclusively of the fisherfolk of Alaminos.
5. **SYSTEM OF REPORTING AND MONITORING** - There shall be developed a system of reporting and monitoring on all aspects of the activities and operation of fisherfolk and their organizations/cooperatives. The system shall render the following data, but not limited to number of fishers, fishing boats, catch and effort, fishing violations, and other related fisheries and aquatic resource activities. The data that will be collected and generated shall be used in the formulation of fisheries management planning.

### ARTICLE V

#### MARICULTURE DEVELOPMENT

**SECTION 36. AREA THAT MAYBE GRANTED TO QUALIFIED APPLICANTS FOR MARICULTURE ACTIVITIES** - The City Government shall consider mariculture as a means to promote diversification of income and preservation and conservation of coastal and fisheries resources. Provided, that the City shall ensure that resources are used responsibly and adverse impacts on the environment and on local communities are minimized.

Provided, however, that mariculture development shall consider the genetic diversity and ecosystem integrity of the city waters. Provided, further, that the City Government shall ensure that the livelihood of the people and their access to fishing grounds are not adversely affected. Provided, furthermore, that the City Government shall establish effective procedures to undertake appropriate environmental assessment, monitoring and mitigation with the aim of minimizing adverse ecological changes and related economic and social consequences resulting from water extraction, discharge of effluents, use of chemicals, and other aquaculture activities.

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The City Government shall designate the following as areas that maybe granted for mariculture activities:

A. FISHCAGE (1 unit=283.53 sq.m)	AREA
1. for individual	not more than 2 units
2. for cooperative/association	not more than 20 units
3. for partnership/corporation	not more than 15 units
B. FISHPEN (Grouper)	
1. for individual	not more than 200 square meters
2. for cooperative/association	not more than .5 hectares
3. for partnership/corporation	not more than one (1) hectares
C. FISHPEN (Bangus) (one (1) unit – 1,000 square meters)	
1. for individual	not more than three (3) units
2. for cooperative/organization	not more than ten (10) units
3. for partnership/corporation	not more than fifteen (15) units
D. SEAWEEDS, SEA URCHIN, SEA CUCUMBER	
1. for individual	not more than 2, 500 sq.m.
2. for cooperative/organization	not more than two (2) hectares
3. for partnership/corporation	not more than fifty (50) hectares
E. OYSTER CULTURE (one (1) unit – 72 square meters)	
1. for individual	not more than four (4) units
2. for cooperative/organization	not more than twenty (20) units
3. for partnership/corporation	not more than fifty (50) units
F. FISHTRAP (one (1) unit – 3500 sq. meters (100m. x 70m.)	
1. for individual	not more than two (2) units
2. for cooperative/organization	not more than 150 units

**SECTION 37. PRESCRIBED DISTANCE PER MODULE** – Proper distance in between fishery structures shall be observed to allow free flow of water and navigation. In order to prevent and mitigate environmental effect or impacts as a result of mariculture activities, following distance is hereby prescribed for regulations to wit:

FISHERY STRUCTURE	DISTANCE
a. Fish cage	25 meters per unit
b. Fish trap	20 meters per unit
c. Fish pen (Bangus)	20 meters per unit
d. Fish pen (Grouper & Other Finfishes)	15 meters per unit
e. Oyster Culture Bed	10 meters per unit
f. Seaweeds	10 meters per unit
g. Sea urchin, Sea cucumber	10 meters per unit

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**SECTION 38. MARICULTURE MANAGEMENT SCHEME** – To sustain and promote eco-friendly mariculture activities, there is hereby a mariculture management scheme to be implemented by the City Government within the mariculture zone of the City waters of Alaminos.

MARICULTURE ACTIVITY	MANAGEMENT SCHEME
FISH CAGE	After the first year operation, cages will be transferred to the buffer or reserve area to allow the production area to replenish. After which it will again return to the production area on the following year cropping/operation.
FISHPEN	Fish pen operators are hereby required to lift their fishpen nets for one (1) month every after operation to allow the clearing of the area. Operators and caretakers are hereby advised to report to the City Agriculture Office – Fishery Section on the schedule of harvest.

**SECTION 39. DISTANCE FROM THE SHORELINE** – No fish cage shall be constructed within at least one (1) kilometers from the lowest low tide mark of the foreshore area.: Provided, however, That no fish cage shall also be constructed in designated navigational route: Provided, further, That no fish cage shall also be constructed in front of any wharf and mouth of rivers

**SECTION 40. GROUNDS FOR CANCELLATION OF LICENSE AND/OR DISMANTLING FISHPEN, FISHCAGES, FISTRAP AND OTHER FISHERY STRUCTURE:**

- a. Violation of any provision of this Ordinance and other Environmental Laws Rules and Regulations.
- b. Use of dummy and/or Sub-leasing by the licensee/permittee.
- c. Failure to comply with waste management regulation.
- d. Death of the permittee provided that a new license shall be issued to the qualified heirs or assignee upon filing of a new application within ninety (90) days from the death of the licensee.
- e. Dissolution of juridical licensee.
- f. Failure to comply with any of the terms and conditions of the License and Contract of Lease
- g. Fraudulent, false, or misleading statements in the application.
- h. Failure to pay the required annual license fees and/or surcharges
- i. Abandonment of the area

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- j. When public interest and welfare so requires
- k. Failure of the licensee/permittee to construct/establish the applied fishing structures/activities within sixty (60) days upon approval of his/her application. The area shall be awarded to other qualified applicants recommended by the Barangay Captain and BFARMC Chairman concerned.
- l. Use of the area other than what is specified in the Lease Contract Agreement.

### **ARTICLE VI** **FISHERY LICENSE**

**SECTION 41. LICENSE, PERMIT, LEASE AND OTHER LICENSES** – It shall be unlawful for any person, cooperative, partnership, firm or corporate to exploit, occupy, produce, breed culture, capture, or gather, fish of any species and other aquatic products or engage in any fishery activity in the city waters by means of nets, traps, or other kinds of fishing gear or by means of fishing boats or vessels three (3) gross tons and below, or engage in any fishery activity, or seek employment as a fishworker without a valid license, lease or permit issued by the City Mayor for that purpose.

The license or permit shall specify the area, fishing gear or method, culture type and where applicable the fishing season, fishing grounds, vessel size or horse power and other parameters for a particular area. Provided, that no such license shall be required of a fishing vessel engaged in scientific, research or educational purposes.

The privilege of catching fish or taking aquatic products from the city waters by means of nets, traps or other fishing gear, with or without the use of fishing boats three (3) gross tons and below, shall be granted under ordinary fishery license/permits or grants issued by the City Mayor to any person, cooperative, partnership, association, firm or corporation qualified under this ordinance upon inspection by an officer from the Fishery Section of the City Agriculture Office. A Fishing Gear License shall be issued to the fisher for its fishing paraphernalia or equipments and the location of the supposed area of operation upon payment of the corresponding license/permit fee at the rates indicated in Section 31 hereof.

That the grantee/licensee agrees unconditionally to comply with all the laws, decrees, orders, policies and rules and regulations governing fishing.

That the licensee assumes responsibility for any and all the acts of his agents and employees of the contractors connected with his fishing operation.

**SECTION 42. LICENSING PROCEDURES AND REQUIREMENTS** – Any new applicant who wants to apply for a business permit or license shall accomplish and submit a duly accomplished Fisherfolk Registration Form. Such application, whenever applicable, shall be accompanied by the following:

**A. FOR FISHERY STRUCTURE:**

- a. Residence Certificate (Current)
- b. Barangay Clearance (Current)

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- c. Certification from BFARMC Chairman duly approved by Barangay Captain that the area applied for is within the fishing zone/mariculture zone.
- d. Sketch plan of the area applied within the designated zone where fish pen, fish cages, fish traps and other fishery activity shall be undertaken.
- e. Duly accomplished Fisherfolk Registration Form (New)
- f. Application to Lease Fishery Lot (New)
- g. PBAC Form Signed (New)
- h. Contract of Lease (For New) / Copy of Contract of Lease (For Renewal)
- i. Application and Bond Deposit fee of P 50.00 payable to the City Treasurer Office.
- j. Receipts of Payments
- k. Clearances

### **B. FOR FISHING GEAR:**

- a. Residence Certificate (Current)
- b. Barangay Clearance (Current)
- c. Certificate of Gear Specification and Absolute Ownership duly certified by the Barangay Captain and BFARMC Chairman concerned.

### **C. FOR FISHING AND SERVICE BOAT**

#### **I. MOTORIZED FISHING BOAT:**

- a. Residence Certificate (Current)
- b. Barangay Clearance (Current)
- c. MARINA Registration (if currently registered in MARINA) with the following documents
  - Certificate of Number
  - Permit to Operate
  - Motorboat Operator's License
- d. Certificate of Ownership duly Signed by the Barangay Captain and BFARMC Chairman (for New)
- e. Boat Builder's Certificate (for newly constructed)
- f. Deed of Sale (for newly purchased boat)
- g. Original Copy of Motorboat Registration (For Renewal)

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### II. NON-MOTORIZED AND SERVICE BOAT:

- a. Residence Certificate (Current)
- b. Barangay Clearance (Current)
- c. Certificate of Ownership duly signed by the Brgy. Captain and BFARMC Chairman (for New)
- d. Original Copy of Boat Registration (for Renewal)

**SECTION 43. REGISTRATION AND LICENSING OF FISHING GEARS USED IN FISHING WITHIN THE CITY WATERS** - Before a registered fishing boat/vessel may begin fishing operations in the City waters of this City, the fishing gear it will utilized for fishing activity shall be registered and a license granted thereof.

**SECTION 44. LICENSING OF FISHING BOAT- THREE (3) GROSS TONNAGES AND BELOW** - No person, cooperative, partnership, association, firm or organization shall operate fishing boat/vessel without registration and valid license to operate issued by the City Mayor. Provided that, those vessel or boat used for cargo, hauling and service purposes, motorized or non-motorized, except passenger boat shall be required to secure registration and permit / license to operate from the City Government. The **Motorized Fishing Boat Registered Number** (for Motorized Fishing Boat), **Non Motorized Fishing Boat Registered Number** (for Non Motorized Fishing Boat) and **Service Motorboat Registry Number** (for Service Motorboat) shall be painted on the both sides of the boat body for identification. The boat/vessel license shall be renewed on or before the 20<sup>th</sup> of January of each succeeding year. Provided, that a special permit shall be required of a fishing boat for scientific research or education purposes within the City waters.

**SECTION 45. CLEARING BOND FOR MARICULTURE OPERATION** - Any individual, partnership, corporation or organizations who wish to construct and operate any aquaculture/mariculture facilities shall deposit a Clearing Bond to the City Government. This Clearing Bond will serve as a surety that the operator/owner shall clear or demolish any structure being established in the area upon cease of operation or occupancy. Provided that if the owner or operator fails to clear or dismantle the structure, the mariculture bond will be forfeited in favor of the City Government and will be used in the clearing or dismantling of the structure.

**SECTION 46. PAYMENT SCHEDULE** - General Schedule of Permit, rental, license and other charges for the establishment of Fishpen/cages, fishtrap, Pasabing/baclads seaweeds, culture, sea cucumber culture sea urchin culture, Gillnet and other fishing gears, fishery structures.

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### FOR FISHERY STRUCTURE

Fishing Gears	Application Fee	Bond Deposit (Per Unit)	Clearing Bond	Rental	Mayor's Permit Fee	Business Inspection Fee (Per Year)
Fishcage	P50.00/unit	P2,500.00	2,500.00/ unit	P3.00/ cu.m.	P 50.00	P 200.00/ unit
Fishpen (Bangus)	P 50.00	P 1,500.00	1,500.00/ unit	P 1.50/ sq.m	P 50.00	P 200.00
Fishpen (Lapu-Lapu and Other Fin Fishes)	P 50.00	P 1,000.00	1,000.00/ unit	P 1.50/ sq.m.	P 50.00	P 200.00
Pasabing	P 50.00	P 300.00	1,500.00/ unit	P500.00	P 50.00	P 200.00
Fispond					P50.00/ ha.	P 1,200.00
Oyster, Seaweeds, Sea Urchin, Sea Cucumber Culture	P 50.00	P 250.00	500.00	P 1.50/ sq.m.	P 50.00	P 200.00
Payao (FAD)	P 50.00	P 500.00	500.00	300.00/ unit	P 50.00	P 200.00

### FOR FISHING GEAR (GEAR LICENSE)

Kinds of Fishing Gear	Annual License Fee
Drift Gill Net (Litig, Pamo)	100.00
Multiple Longline, Trolling	50.00
Gill Net	10.00 / unit
Man Push Net, Scoop Net (Sayudsod, Sagap)	20.00
Spear Gun, Squid Jigger, Cast Net, Etc. (except pole hook and line without banca)	10.00

### FOR OTHER FEES

Auxiliary Invoice	Transport Fee Per Trip
Bangus	2.00 / banyera (tubs)
Lapu-Lapu / Talakitok (Live)	10.00/box
Malaga	5.00/box
Shrimp (Big)	5.00/kilo
Shrimp (Small)	2.50/kilo
Other Fin Fishes / Sari-sari	3.00/cooler
Oyster, Shells (All Kinds)	5.00/sack
Seaweeds (All Kinds)	3.00/tiklis/sack
Bagoong, Dried Fish	5.00/kilo
Salt	5.00/sack

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### FOR BOAT REGISTRATION / BUSINESS TAX FEE (Motorized/Non-Motorized/Service)

Kinds of Boat	Annual License Fee (Business Tax)	Registration Fee
MOTORIZED (For Fishing)		
0.01 GRT - 1.00 GRT	100.00	
1.01 GRT - 2.00 GRT	150.00	
2.10 GRT - 3.00 GRT	200.00	
NON-MOTORIZED (For Fishing)		50.00
SERVICE BOAT		75.00

**SECTION 47. DURATION AND VALIDITY OF LICENSE** - The license and permit to construct, establish, or operate fish pen, cage, or any stationery fishing gears or structures for fishing activities shall be valid for one (1) year subject to renewal on or before the 20<sup>th</sup> day of January of each year or within the first (1<sup>st</sup>) twenty (20) days of January each year. Provided, however that the contract of lease for the fishery structure shall be valid for three (3) years.

Fishing license issued by the City Government shall be valid for a period of one (1) year, and is renewable annually within the first 20<sup>th</sup> day of January of each year, unless the license holder violates any of the terms and conditions of the license or revoked otherwise.

The fisherfolk who is unable to fish or whose vessel or boat is undergoing repairs during a period of time inclusive of the date or period in which he is supposed to renew his license or motorboat registration shall submit to Fisheries and Coastal Management Section a Certification of Dry Dock/Repair, duly signed by the Barangay Captain and BFARMC concerned.

**SECTION 48. RENEWAL OF FISHING, FISHERY LICENSE AND OTHER PERMITS** - All fishing and fishery license and other permits such as fishing license, fishing boat permit, fishery structure permit for the operation of fish trap, fish pen, fish cage and other mariculture activities shall be renewed on or before 20<sup>th</sup> of January of each year. The fishing gear license shall be valid for three (3) years after which it shall subject for renewal.

**SECTION 49. CONDITIONS FOR THE TRANSFER OF RIGHTS AND INTEREST OVER FISHERY FARM LOTS** The licensee/permittee shall not sublease the farm lot or a part thereof. He may transfer the rights over the farm lot or any portion thereof under the following conditions:

1. The licensee/permittee had held the license for a period of not less than one (1) year.
2. The licensee has not violated any of the rules and regulations related to the operation including the terms and conditions of the license.
3. The licensee is qualified to develop and operate the farm lot pursuant to the provision of this ordinance.

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4. That there is no evidence that such transfer or conveyance of right is being made for purposes of speculation.
5. That the transferee shall assume all the obligations thereon.
6. That the area subject of the transfer is not involved in any administrative or judicial case

**SECTION 50. SURCHARGES** - Any permit or license not renewed from January 2 to 20 of each succeeding year shall be charged with 25% surcharge fee on the business tax.

**SECTION 51. BARANGAY SHARE FROM RENTAL COLLECTION** - The share of the barangay where the fish pens, fish cages, or other stationary fishery structures for fishing activities are established or being undertaken shall be fifty percent (50%) from the rental paid by the licensee/permittee.

### ARTICLE VII

#### POST-HARVEST FACILITIES, ACTIVITIES AND TRADES

**SECTION 52. ESTABLISHMENT OF POST-HARVEST FACILITIES** - The City Government shall coordinate with the private sector and other concerned agencies and B/CFARMC in the establishment of post-harvest facilities such as, but not limited to, city fish landing sites, fish ports, ice plants and cold storage and other fish processing establishment to serve primarily the needs of the city fishers.

**SECTION 53. REGISTRATION AND LICENSING OF FISH HATCHERIES, NURSERIES AND POST-HARVEST FACILITIES** - All fish hatcheries, nurseries and post harvest facilities such as fish processing plants, ice plants and cold storage, fish ports/landing sites and other fishery business establishments must be registered and licensed by the City Government. Provided further that such post harvest facility shall be HACCP Accredited and complies with the prescribed SSOP.

**SECTION 54. CITY FISH PORT CONSTRUCTION AND DEVELOPMENT** - City fish port development should be sited and designed in a manner that will minimize changes to existing water and sediment quality parameters such as salinity and temperature, dissolved oxygen, nitrogen and sediment concentration; organic constituents; and transparency of waters. Provided, that city fish ports and harbors should be placed in areas with the highest available flushing rate, and access channels should be designed to minimize adverse water circulation changes and creation of stagnant water column. Provided, however, that city fish ports and harbors should incorporate facilities which allow for effective waste disposal and erosion control.

**SECTION 55. AUXILIARY INVOICE** - All fish and fishery products coming from the City and passing through the City thoroughfare, except those caught in violation of this ordinance or are declared as health hazards by the City Health Office or other concerned institution, must have an auxiliary invoice to be issued by the City Business Permit and Licensing Office after duly inspected by the Fisheries and Coastal Management Section prior to their transport from their point of origin to their point of destination in the country and/or export purposes upon payment of the prescribed fee to defray administrative costs thereof.

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**SECTION 56. SUPPORT TO CITY FISHERFOLK** – The City Government in coordination with other agencies and institutions, shall provide support to city fisherfolk and their organization through appropriate technology and research, credit, production and marketing assistance and other services such as, but not limited to training and technical assistance for additional/supplementary livelihood.

### ARTICLE VIII

#### CREATION OF CITY FISHERIES AND COASTAL MANAGEMENT (FCM) SECTION UNDER THE CITY AGRICULTURE OFFICE

**SECTION 57. CITY FISHERIES AND COASTAL MANAGEMENT SECTION** – There is hereby created a Fisheries and Coastal Management Section under the City Agriculture Office, solely for the purpose of attending to the needs on fisheries and coastal resource management of the city. The FCM Section shall be headed by a Section Head under the supervision of the City Agriculturist.

#### **SECTION 58. FUNCTIONS, DUTIES AND POWERS OF THE FISHERIES AND COASTAL MANAGEMENT SECTION HEAD**

The CRM Section shall have the following functions, duties and responsibilities:

1. Formulate measures for the approval of the City Mayor and the Sangguniang Panlungsod, as the case may be, in carrying out measures to ensure the delivery of basic services and provisions of adequate facilities relative to environment and natural resources, particularly on coastal resources management and fisheries services.
2. Develop plans and strategies upon the approval thereof by the City Mayor and the Sangguniang Panlungsod, as the case may be, implement the same, particularly those which have to do with coastal resources management and fisheries programs and project which the City Mayor is empowered to implement and which the Sangguniang Panlungsod is empowered to provide.
3. Ensure the maximum assistance and access to resources in the sustainable management and use of the environment and natural resources, particularly on coastal and fisheries resources;
4. Enforce laws, rules and regulations relating to environment and natural resources, particularly on coastal resources and fisheries management;
5. Coordinate with government agencies and non-governmental organizations which promote sustainable management of the environment and natural resources, particularly on coastal and fisheries resources
6. Be in the frontline of the delivery of basic services, particularly those needed for the survival of the inhabitants during and in the aftermath of man-made and natural disasters and calamities;
7. Recommend to the Sangguniang Panlungsod and advice the City Mayor, as the case may be, on all other matters related environment and natural resources, particularly on coastal and fisheries resources, which will improve the livelihood and living conditions of the inhabitants.

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8. Formulate and issue pertinent rules and regulations to effectively carry out the functions and duties of the section.
9. Exercise such other powers and performs such other duties and functions as may be prescribed by law and ordinance or as maybe assigned by the Sangguniang Panlungsod or delegated by the City Mayor.

**SECTION 59. QUALIFICATIONS OF THE FISHERIES AND COASTAL MANAGEMENT SECTION HEAD** - No person shall be appointed as FCM Section Chief unless he/she is a citizen of the Philippines, a resident of Alaminos City, of good moral character, a graduate in Bachelor of Science in Fishery, and a first grade civil service eligible or its equivalent. He/She must have acquired experience in coastal resource management of at least five years (5) years and has undergone extensive training in fisheries and coastal management.

### ARTICLE IX

#### CITY FISHERIES AND AQUATIC RESOURCES MANAGEMENT COUNCIL (CFARMC)

**SECTION 60. CREATION OF CITY FISHERIES AND AQUATIC RESOURCE MANAGEMENT COUNCILS (FARMC)** - Pursuant to the provisions of Executive Order No. 240, Series of 1996, Fisheries Administrative Order No. 196, Series of 2000 and Section 69 of the Philippine Fisheries Code of 1998, a Fisheries and Aquatic Resource Management Council shall be established in the City of Alaminos. The City Government shall provide assistance to the City FARMC.

**SECTION 61. COMPOSITION OF ALAMINOS CITY FARMC** - The Alaminos CFARMC shall adopt a two (2) level composition namely the Regular Member (First Level) and the Officers (Second Level) of the following:

- I. **CFARMC REGULAR MEMBER** - The regular members of Alaminos CFARMC shall be composed of the following:
  - a. City Planning and Development Officer;
  - b. Chairperson of the Sangguniang Panlungsod Committee on Agriculture/ Fisheries;
  - c. Representative of the City Development Council;
  - d. Representative from the accredited Non-Governmental Organizations (NGO);
  - e. Representative from the private sector;
  - f. Representative from the City Agriculture Office; and
  - g. At least ten (10) fishers representatives [seven (7) municipal fishers, one (1) fishworker and three (3) commercial fishers] in each municipality which include representative from youth and women sector.
- II. **CFARMC OFFICERS** - The elected Barangay Fisheries and Aquatic Resource Management Council (BFARMC) Chairmen of the ten coastal Barangays in the City of Alaminos shall automatically become the fisherfolk representative to the CFARMC. Through an orientation and election called for that purpose, they will

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elect among themselves set of CFARMC Officers which will compose of the following:

- a. Chairperson
- b. Vice Chairperson
- c. Secretary
- d. Treasurer
- e. Auditor
- f. Press Relation Officer (3)
- g. Sergeant - At - Arms (2)

**SECTION 62. POWERS AND FUNCTIONS OF THE CITY FARMC** - The CITY FARMC shall have the following powers and functions:

1. To assist the city government in the implementation of programs and projects on coastal and fisheries resources management;
2. To assist the City Government in the monitoring and evaluation coastal and fisheries resources management programs;
3. To advise the City Government in the arbitration of disputes over fishery rights and sharing contracts;
4. To assist the City Government in the conduct of public hearings and community consultations, in aid of the formulation of plans, policies and proposed ordinances and regulations;
5. To coordinate with law enforcement agencies in the enforcement of fishery and environmental laws, ordinances, rules and regulations;
6. To assist the City Government in the promotion of comprehensive rehabilitation and conservation of municipal fishing grounds and coastal and fishery resources;
7. To assist the City Government in the promotion of ancillary economic activities, including cooperative marketing and socio-economic services;
8. To maintain an updated registry of city fishers; and
9. To perform such other functions the City Mayor, the City Development Council and the Sangguniang Panlungsod may delegate, as provided by ordinance or resolution.

**SECTION 63. TERM OF OFFICE** - The Officers of the CFARMC, except the representatives of different agencies and offices concerned, shall serve for three (3) years unless otherwise re-elected. Re-election as a Chairperson of the CFARMC shall only be allowed for three (3) terms.

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**SECTION 64. SUPPLETORY APPLICATION** - The provisions of Executive Order No. 240, Series of 1996 and Fisheries Administrative Order 196, Series of 2000, prescribing rules and regulation on the creation and maintenance of FARMC, including Barangay FARMC, shall apply to this Ordinance in a Suppletory manner.

**SECTION 65. APPROPRIATION FOR CFARMC OPERATIONS AND PROVISION OF REMUNERATION** - The City Fisheries and Coastal Management Section shall be responsible for the preparation of the annual budget of the CFARMC, for the purpose of inclusion in the annual appropriation act of the City. Provided, however, that the Sangguniang Panlungsod through the Chairperson of the Committee on Agriculture/Fisheries shall allocate funds for the remuneration of the CFARMC Officers subject to usual accounting and auditing procedures.

### **ARTICLE X** **PROHIBITED ACTIVITIES AND PENALTIES**

**SECTION 66. UNAUTHORIZED FISHING OR ENGAGING IN OTHER UNAUTHORIZED FISHERIES ACTIVITIES** - No person, cooperative, partnership, association, firm or corporation shall exploit, occupy, produce, breed, culture, capture or gather fish, fry or fingerlings of any fishery species or fishery products, or engage in any fishery activity in the city waters without a license, lease or permit. Discovery of any person in an area where he has no permit or registration papers for a fishing vessel shall constitute a prima facie presumption that the person and/or vessel is engaged in unauthorized fishing activity.

Provided that the operation of commercial fishing vessel within the city waters shall tantamount to unauthorized fishing activity. Provided, further, that fishing for daily food sustenance or leisure which is not for commercial, occupation or livelihood purposes may be allowed.

Violation of this section shall be punished with a fine of Five Thousand Pesos (Php 5,000.00) per head or an imprisonment of six (6) months or both such fine and imprisonment at the discretion of the court. The catch shall be confiscated and the vessel / boat including the gear shall also be impounded and shall only be released upon order of the proper court and payment of corresponding penalty, impounding and other fees thereto shall have been made.

**SECTION 67. USE OF FINE-MESH NETS, DOUBLE NET AND TRIPLE NET** - It shall be unlawful for any person, association, corporation, partnership or cooperative to engage in fishing in the City Waters of Alaminos using nets with mesh size less than three (3) centimeters measured between two opposite knots of full mesh when stretched. That the use of fishing nets with legal size but doubled or overlaid one on top of the other in an attempt to circumvent this provision shall be construed as using fine meshed net in fishing. Provided, however, this prohibition shall not apply to the gathering or catching of fry (semilya), glass eels, elvers, tabios and alamang (aramang) during their season and such species which by their nature are small but already mature.

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Violation of this section shall be punished with a fine of Five Thousand Pesos (Php 5,000.00) per head or an imprisonment of six (6) months or both such fine and imprisonment at the discretion of the court. The catch and gear shall be confiscated while the vessel / boat will be impounded and shall only be released upon order of the proper court and payment of corresponding penalty, impounding and other fees thereto shall have been made.

**SECTION 68. USE OF ACTIVE GEAR IN FISHING WITHIN HINP AREA, RIVERS, BAYS, AND OTHER FISHERY MANAGEMENT AREAS WITHIN THE CITY WATERS OF ALAMINOS** - It shall be unlawful for any person to engage in fishing within HINP Area, in all bays, rivers, as well as other fishery management areas in the City waters of Alaminos using active fishing gears as defined in this code/ordinance.

Violation of this section shall be punished with a fine of Five Thousand Pesos (Php 5,000.00) per head or an imprisonment of six (6) months or both such fine and imprisonment at the discretion of the court. The catch and gear shall be confiscated while the vessel / boat will be impounded and shall only be released upon order of the proper court and payment of corresponding penalty, impounding and other fees thereto shall have been made.

**SECTION 69. BAN ON THE USE OF MURO-AMI, KAYAKAS, MOTORIZED PUSH NET, CADCAD, TRAWL, AND OTHER FISHING METHODS AND GEAR DESTRUCTIVE TO CORAL REEFS AND OTHER MARINE HABITATS** - It shall be unlawful for any person, natural or juridical, to fish with the use of gear that destroys coral reefs, seagrass beds, and other marine habitat. Muro - Ami, Kayakas, Motorized Push Net (Dalungkit), Cadcad, Trawl and any of its variation, and such similar method that require physical, or mechanical means of pounding the coral reefs and other marine habitat to entrap, gather or catch fish and other fishery species shall prohibited to use / operate in the city waters of Alaminos.

Violation of this section shall be punished with a fine of Five Thousand Pesos (Php 5,000.00) per head or an imprisonment of six (6) months or both such fine and imprisonment at the discretion of the court. The catch and gear shall be confiscated while the vessel/boat will be impounded and shall only be released upon order of the proper court and payment of corresponding penalty, impounding and other fees thereto shall have been made.

**SECTION 70. BAN ON BEACH MINING, CORAL EXTRACTION AND OTHER RELATED ACTIVITIES** - It shall be unlawful for any person, corporation, association, partnership or cooperative to conduct quarrying, extracting, gathering, selling or export white sand, silica, pebbles, rubble, corals (dead or alive) and other substances which make up marine habitat.

Violation of this section shall be punished with a fine of Five Thousand (Php 5,000.00) Pesos per offender and an imprisonment of six (6) months or both such fine and imprisonment at the discretion of the court. The vehicle, vessel/boat including the equipment/paraphernalia used in committing the violation shall be impounded and shall only be released upon order of the court and payment of corresponding penalty and other fees thereto shall have been made. The white sand, silica, pebbles, rubble, corals shall be confiscated and return to the marine habitat.

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**SECTION 71. VIOLATION ON FISHING BAN AND CLOSED SEASON** - It shall be unlawful for any person, natural, or juridical to fish in the City Waters during fishing ban and closed season as defined in Section 21 of this Ordinance, specifically:

- a. Closed Season on the Operation of Drift Gill Net, Pamo, Litting and Baby Litting and its variation during the month of February to July of each year.
- b. Closed Season of catching Padas during the month of April - July of each year.
- c. Closed Season of gears such as Sagap (Man push net), Sayudsod, the five (5) days before and five (5) days after the New Moon every month of March, April and May of each year. Provided that, cod-end net (bubo) of fish trap (pasabing) shall also be lifted during this period.

Violation of this section shall be punished with a fine of Five Thousand Pesos (Php 5,000.00) per head or an imprisonment of six (6) months or both such fine and imprisonment at the discretion of the court. The catch and gear shall be confiscated while the vessel/boat will be impounded and shall only be released upon order of the proper court and payment of corresponding penalty, impounding and other fees thereto shall have been made.

**SECTION 72. TAKING, CATCHING, DISPOSING OF DOLPHINS, GIANT CLAMS, MARINE TURTLES AND OTHER RARE, THREATENED AND ENDANGERED SPECIES** - It shall be unlawful for any person to take, catch, possess, dispose in any manner, purchase, transport, or export Dolphins, Giant Clams and other Rare, Threatened and Endangered Species whether dead or alive or in any state or form whether raw or processed. Provided that the City Mayor, upon the recommendation of the Director of the Bureau of Fisheries and Aquatic Resources, may issue a special permit in favor of any government or private agency or institution engaged in research work on dolphins, including those to be used for exhibition or show purposes subject to terms and conditions as the said Secretary may deem wise to impose.

It shall be unlawful to wound or kill dolphins in the course of catching other species of fish. Dolphins which are accidentally included in the catch by any gear shall be immediately released unharmed in the sea, otherwise the liability shall be surrendered to the City Government of Alaminos for proper disposition.

Violation of this section shall be punished with a fine of Five Thousand Pesos (Php 5,000.00) per head or an imprisonment of six (6) months to one (1) or both such fine and imprisonment year at the discretion of the court. The catch and gear shall be confiscated while the vessel/boat will be impounded and shall only be released upon order of the proper court and payment of corresponding penalty, impounding and other fees thereto shall have been made.

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### LIST OF RARE, THREATENED AND ENDANGERED SPECIES UNDER CITES (CONSERVATION OF RARE, THREATENED AND ENDANGERED AQUATIC FLORA FAUNA)

#### a. RARE SPECIES

##### Scientific Name

*Bolma girgyllus*  
*Clypeomorus aduncus*  
*Recluzea lutea*  
*Separatista blainvilliana*  
*Malluvium lissus*  
*Strombus thersites*  
*Varicospira crispate*  
*Tibia martini*  
*C. childreni*  
*C. beki*  
*C. guttata*  
*C. porteri*  
*C. teramachili*  
*C. martini*  
*C. saule*  
*C. katsuae*  
*C. leucodon*  
*C. auranthum*  
*C. valentia*  
*Phenacovolva dancel*  
*Cypraeaecassis rufa*  
*Phalium coronadol glabratum*  
*P. glabratum glabratum*  
*Morum kurzi*  
*M. Grande*  
*M. watsoni*

##### English Name

Girgyllus star shell  
bent cerith  
recluzea snail  
true separatist  
deep sea cap  
thersite stromb  
network beak shell  
martini's tibia  
children's cowrie  
beck's cowrie  
great spotted cowrie  
potter's cowrie  
Teramachi's cowrie  
Martini's cowrie  
Saul's cowrie  
Katsue's cowrie  
White toothed cowrie  
golden cowrie  
Prince cowrie  
Dance volva  
bullmouth helmet  
Wyville's bonnet  
smooth bonnet  
Kurzi's morum  
Giant morum  
Watson's morum

#### 1. Bivalves:

*Amusium oblitteratum*  
*Eufistulana mumia*

smidged moon scallop  
club-shaped boring clam

#### B. THREATENED SPECIES

##### 1. Gastropods

##### Scientific Name

*Turbo marmoratus*  
*Trochus niloticus*  
*Barnea manilensis*

##### English Name

green snail  
smooth top shell  
angel wing shell

##### Local Name

laong, bulatok  
samong; simong; tuwad  
diwal

##### 2. Crabs

*Birgus latro*

coconut crab

tatus, umang  
alimangong lupa

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### C. ENDANGERED SPECIES

#### 1. Whales and Dolphins

<u>Scientific Name</u>	<u>English Name</u>	<u>Local Name</u>
<i>Stenella longirostris</i>	Spinner Dolphin	lumba-lumba
<i>Stenella attenuate</i>	Pantropical spotted dolphin	lumba-lumba balakiki
<i>Stenella coeruleoalba</i>	Stripped dolphin	lumba-lumba
<i>Lagenodelphis hosei</i>	Fraser's Dolphin	mayahon
<i>Tursiops truncatus</i>	long-snouted bottle nose dolphin	lumba-lumba
<i>Lumod</i>	Risso's dolphin	lumod
<i>Grampus griseus</i>		lumba-lumba; kabang
<i>Peponocephala electra</i>	melon-headed whale	lumod
<i>Feresa attenuata</i>	pygma killer whale	lumod
<i>Globicephala macrorhynchus</i>	short-finned pilot whale	pakatang-ambuhatan
<i>Pseudorca crassidens</i>	false killer whale	balyena
<i>Orcinus orca</i>	killer whale	balyena
<i>Stenu bredanensis</i>	rough toothed dolphin	lumba-lumba
<i>Kogia breviceps</i>	pygmy sperm whale	balyena
<i>Kogia simus</i>	dwarf sperm whale	balyena
<i>Mesoplodon densirostris</i>	Blainville's beaked whale	balyena
<i>Ziphius cavirostris</i>	Cuvier's beaked whale	balyena
<i>Physeler macrocephalus</i>	sperm whale	balyena
<i>Megaptera novaeangliae</i>	humpback whale	balyena
<i>Balaenoptera edeni</i>	bryde's whale	balyena
<i>Balaenopter</i>	fin whale	bongkaras balyena
<b>2. Clams:</b>		
<i>Tridacna gigas</i>	true giant clam	taklobo
<i>T. derasa</i>	smooth giant clam	tablobo
<i>T. squamosa</i>	Fluted/scaly giant clam	hagdan-hagdan
<i>T. maxima</i>	elongated giant clam	manlet, manlot
<i>T. crocea</i>	boring/crocus clam	let-let
<i>Hippopus hippopus</i>	strawberry/horse hoof clam	kukong kabayo
<i>H. porcellanus</i>	china/porcelain clam	kukong kabayo
<b>3. Sea snakes</b>		
<i>Cerberus rhynchops</i>	dogfaced water snake	kalabukab

**SECTION 73. ILLEGAL CUTTING OF MANGROVES** - It shall be unlawful for any person, natural or juridical to cut mangroves or any forest growth along the river banks and coastal areas of the City especially within the Hundred Islands National Park and Mangrove Reforestation Areas.

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Violation of this section shall be punished with a fine of Five Thousand Pesos (Php 5,000.00) per head or an imprisonment of six (6) months to one (1) year or both such fine and imprisonment at the discretion of the court. The mangroves or timber including the equipment used in cutting shall be confiscated in favor of the City Government of Alaminos.

**SECTION 74. ILLEGAL CONSTRUCTION AND OPERATION OF FISHTRAP, FISHPEN, FISH CAGE AND OTHER FISHERY STRUCTURE** - It shall be unlawful to construct and operate fishtrap, fish pen, fish cage and other fishery structure without a business license/permit and outside the designated zone. Likewise, it shall be unlawful to construct and operate any fishery structure not in conformity with the applied location, zoning, size/area and the prescribed distance between structures.

Violation of this section shall be punished with a fine of Five Thousand (Php 5,000.00) Pesos or an imprisonment of six (6) months or both such fine and imprisonment at the discretion of the court. The gear shall be dismantled and impounded and shall only be released upon order of the court and payment of corresponding penalty, impounding fee, dismantling fee and permit fees thereto shall have been made.

**SECTION 75. USE OF DUMMY, SUB-LEASE, TRANSFER, TRANSFER OF RIGHTS, QUITCLAIMS AND WAIVER OF RIGHTS** - Business Permit/License shall not be transferred by lease or mortgage. Likewise, the license holder or permittee shall not sub-lease, transfer or waive his/her rights and permit/license over the applied fishery farm lot in whole or in part thereof. Any license holder or permittee may transfer his / her rights and interest over the fishery farm lot in accordance with Article VI, Section 49 of this Ordinance.

Violation of the provision of this section shall constitute a ground for the cancellation of the license or business permit granted, cancellation of lease agreement, confiscation of existing improvements or gears, disqualification of subsequent application by the same person, organization or cooperative of subsequent fishery grant or privilege thereof.

Provided that any person found to be used as dummy shall be blacklisted for three (3) years. Provided further, that violator of this section shall be fined of Administrative fine of Five Thousand Pesos (Php 5,000.00).

**SECTION 76. VESSEL/BOAT ENGAGED IN OPERATION WITHOUT REGISTRATION AND LICENSE** - It shall be unlawful for any person natural or juridical to operate a vessel/boat, motorized or non-motorized, for hauling, cargo, service and fishing purposes/activity in the City Waters without registration, license or permit.

Violation of this section shall be punished with a fine of Five Thousand Pesos (Php 5,000.00) or an imprisonment of six (6) months or both such fine and imprisonment at the discretion of the court. The catch and gear shall be confiscated while the vessel/boat will be impounded and shall only be released upon order of the proper court and payment of corresponding penalty, impounding and other fees thereto shall have been made.

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**SECTION 77. OBSTRUCTION TO NAVIGATION AND MIGRATION PATH** – It shall be unlawful for any person to undertake construction of any structure which will obstruct the migration path and free navigation in any stream, river or the marine areas of the city waters flowing through or adjoining the fishpen or fishpond, or impede the flow and ebb of tide.

Violation of this section shall be punished with a fine of Five Thousand Pesos (Php 5,000.00) or an imprisonment of six (6) months or both such fine and imprisonment at the discretion of the court including the removal/dismantling of the obstruction at the expense of the offender.

**SECTION 78. DEALING WITH ILLEGALLY CAUGHT FISH OR FISHERY/AQUATIC PRODUCTS** – It shall be unlawful for any person, corporation or entity to deal in, sell or in any manner dispose of, any fish or fishery species or aquatic products which have been illegally caught, taken or gathered.

Dealing in, selling, or in any manner disposing for profit illegally caught/gathered fishery species shall be punished by a fine of Five Thousand (Php 5,000.00) Pesos or imprisonment from six (6) months to one (1) year or both such fine and imprisonment at the discretion of the court including the confiscation of the fish and aquatic products together with the paraphernalias used in fishing.

**SECTION 79. RESTRICTION ON THE USE OF SPEAR OR SPEAR GUN FOR FISHING** – It shall be unlawful for any person, natural, or juridical to engage in spear fishing in any kind or form within the Hundred Islands National Park, Bolo Beach and other established beach resort areas within the city waters of Alaminos.

Violation of the provision of this section shall subject the offender to a fine from One Thousand (Php 1, 000.00) Pesos to three thousand (Php 3,000.00) Pesos or imprisonment of one (1) day to six (6) months or both such fine and imprisonment at the discretion of the court. The spear or spear gun shall be confiscated.

**SECTION 80. BAN ON FISHING IN FISH SANCTUARIES, MANGROVE REFORESTATION AREAS AND OTHER DECLARED MARINE PROTECTED / RESERVED AREAS** – It shall be unlawful for any person, natural, or juridical to conduct fishing activity in fish sanctuaries, mangrove reforestation areas, and other declared marine protected/reserved areas.

Violation of the provision of this section shall be punished by a fine of Five Thousand Pesos (Php 5,000.00) or imprisonment of one (1) day to six (6) months or both such fine and imprisonment at the discretion of the court. The catch shall be confiscated and the gear and vessel used in fishing shall be impounded and shall only be released upon order of the proper court and payment of corresponding penalty, impounding and other fees thereto shall have been made.

**SECTION 81. BAN ON THE CONSTRUCTION OF ANY STRUCTURE ON THE SHORELINE AND RIVERBANKS** – It shall be unlawful for any person, natural or juridical to construct any structure for pig pen and poultry house, coop, toilet and bath, and other structures along the salvage area of the shore, riverbanks and easement. Provided that, dumping of solid waste and discharge of liquid waste, toxic waste and effluent from toilet, bath, swine, poultry, and houses into the sea shall constitute an aquatic pollution.

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Violation of the provision of this section shall subject the violator to a fine of Five Thousand Pesos (Php 5,000.00) or imprisonment of six (6) months to one (1) year or both such fine and imprisonment at the discretion of the court. The violator shall undertake the removal and clean of the waste and the dismantling of the structure.

**SECTION 82. GATHERING, EXPORTATION AND SELLING OF TROPICAL AQUARIUM FISH** - It shall be unlawful for any person to gather, export, or sell aquarium fish from the city waters. Violation of this section shall be punished with a fine of Five Thousand Pesos (Php 5,000.00) or imprisonment of one (1) day to six (6) months or both such fine and imprisonment at the discretion of the court. The aquarium fish shall be confiscated and released to its natural habitat.

**SECTION 83. USE OF FRAUDULENT INSTRUMENT OF WEIGHT AND MEASURE** - It shall be unlawful for any person to possess or use fraudulent instrument of weight and measures in selling and trading fish and fishery products.

Violation of the provision of this section shall subject the offender to a fine of Five Thousand Pesos (Php 5,000.00) or imprisonment of one (1) month to six (6) months or both such fine and imprisonment at the discretion of the court including the confiscation and forfeiture of the weighing scale in favor of the City Government.

**SECTION 84. NON COMPLIANCE WITH THE REQUIREMENTS OF AUXILIARY INVOICE** - It shall be unlawful for any person to transport fish, fishery and fishery by products without auxiliary invoice prior to transport from its point of origin to its final destination in the country and/or export purposes.

Refusal to fee the required auxiliary invoice shall mean a violation of this section and punishable by a fine of Five Thousand Pesos (Php 5,000.00) including the confiscation of the fish, fishery/aquatic or fishery by products.

**SECTION 85. OPERATION OF PRIVATE HATCHERIES AND FISHPOND** - It shall be unlawful for any person, corporation or partnership to operate private hatchery and fishpond either private or under Fishpond Lease Agreement (FLA) without Business and Mayor's permit/and/or license.

Violation of the provision of this section shall be punished by a fine of Five Thousand Pesos (Php 5,000.00) or imprisonment of six (6) months or both such fine and imprisonment at the discretion of the court.

**SECTION 86. USE OF FORMALIN IN PRESERVING FISH AND FISHERY/AQUATIC PRODUCTS** - It shall be unlawful for any person, firm or corporation to use formalin or any harmful preservative in preserving fish and fishery/aquatic products or in any manner to maintain its physical quality which are intended for human consumption, to sell or any manner dispose for profit of any fish, fishery/aquatic products which have been contaminated with formalin.

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Violation hereof shall subject the offender to fine of not less than Five Thousand Pesos (Php 5,000.00) or imprisonment from six (6) month or both such fine and imprisonment in the discretion of the court, including the cancellation of business permit and confiscation of the fish and fishery product for proper disposition of the City Governments.

### ARTICLE XI GENERAL PROVISIONS

**SECTION 87. CONCESSIONS AND LEASES CONCERNING FISHERIES** - No lease or concessions granted by the Barangay Council under the authority of an ordinance approved pursuant to Section 391 of the Local Government Code of 1991, concerning fishing and fisheries in streams, rivers, inland and City waters of this city shall be valid and enforceable unless reviewed by the Sangguniang Panlungsod to Section 458 of the Local Government Code of 1991.

**SECTION 88. SEIZURE, CONFISCATION, IMPOUNDMENT AND FORFEITURE OF FISHING VESSELS, GEARS AND OTHER ITEMS USED IN ILLEGAL FISHING** - In all foregoing cases, the fishing vessels, fishing gears or equipments, explosives, noxious or poisonous substances and/or electrical devices, used in illegal fishing shall be summarily seized, confiscated, impounded, and forfeited including the catch if favor of the City Government with the right to use or dispose the same for useful purposes other than fishing upon order of the court.

The deputized agents or representatives, and law enforcement officers are empowered to seize and impound the fishing vessels, cargo, vehicle equipment as well as explosives, noxious or poisonous substances, electrical devices fishing gear and other apparatus used in illegal fishing, for used as evidence at and pending disposition of the criminal case by competent court.

**SECTION 89. PERSONS AND DEPUTIES AUTHORIZED TO ENFORCE THIS ORDINANCE AND OTHER FISHERY LAWS, RULES AND REGULATIONS** - The City Mayor, City Agriculturist, City Fisheries and Coastal Management Section Personnel, City Planning and Development Coordinator, City Treasurer, City Local Government Operations Officer, Business Permit and Licensing Officer, POSO - Bantay Dagat, Philippine National Police, Certified Fish Examiners, Deputized Fish Wardens, including City FARMC and Barangay Officials who have undergone deputation training by the BFAR, shall take lead in the enforcement and implementation of this ordinance.

**SECTION 90. ADMINISTRATIVE REMEDIES AND MEASURES** - Without prejudice to any criminal prosecution by reason of willful violations of any of the provisions as herefore enumerated, the City thru the office of City Mayor may take such other administrative remedies as may be necessary in order to effect preventive measures to forestall any violation of the provisions of this Ordinance which shall be include but not limited to the following:

1. Every permit or license issued or granted pursuant to in compliance of this ordinance shall be subject to suspension or cancellation for any violation by the holder of any provision hereof or for any valid cause whatsoever specially, such violation or activity as may pose serious danger to the community and environment as well as the peace and order in locality.

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2. Disqualification of any violator from any application for any franchise or fishery privilege and permit, whether such disqualification shall issue by reason of criminal conviction or administrative sanctions.
3. Imposition of administrative fine for violation of this ordinance not exceeding Five Thousand Pesos per violator.
4. The Bantay Dagat Officers/Fishery officer/Warden duly appointed and commissioned as enforcement officials shall hereby be designated as agents of persons in authority and the extent of their powers and authority shall be defined and enumerated thru Executive Order duly approved by the Sangguniang Panglungsod particularly their powers to seize any products, materials, boat, banca, equipment or paraphernalia illegally used or acquired in violation of any provision hereof as well as their right and authority to board any fishing vessel in the enforcement of this ordinance.

**SECTION 91. USE OF FORFEITED PROPERTY** - Whenever forfeiture of property is imposed as penalty, such property or proceeds from the sale thereof shall go to the trust fund of the City Government for use of the coastal resources development purposes.

Fish and other fishery species found to be caught illegally or with the use of explosives, noxious or poisonous substance or banned gears/devices shall immediately be seized or confiscated; and if fit for human consumption, shall be donated to penal institution such as the provincial or city jails, or to charitable institutions such as hospitals, house of charities or orphanages or home for the aged or indigents.

**SECTION 92. NO COMPROMISE FOR CRIMINAL CASES** - Criminal cases filed for violation of this Ordinance shall not be compromised at any stage of the court proceedings.

**SECTION 93. APPLICABILITY OF OTHER LAWS** - The prosecution of offense in violation of any provision hereof is without prejudice to the application of other fishery laws, rules and regulation governing similar violations and impositions of corresponding penalties.

**SECTION 94. MANDATORY REVIEW** - The Sangguniang Panlungsod shall undertake the mandatory review of this ordinance at least once every 3 years and as often as it may deem necessary, to ensure that coastal and fisheries policies and guidelines remain responsive to the changing circumstances.

### **ARTICLE XII** **FINAL PROVISIONS**

**SECTION 95. IMPLEMENTING RULES AND REGULATIONS** - The City Mayor jointly with the City Agriculture Officer, Fishery Officer, Planning Officer, Legal Officer, Representative from DENR, BFAR, SP Committee Chairman on Agriculture and Environment shall promulgate the IRR for proper and smooth implementation of this ordinance.

**SECTION 96. REPEALING CLAUSE** - All previous ordinance, executive orders, rules and regulations or parts thereof which are inconsistent with this ordinance are hereby repealed and modified accordingly.

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**SECTION 97. SEPARABILITY CLAUSE** - If, for any reason or reasons, any part or provision of this ordinance shall be held unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and in effect.

**SECTION 98. EFFECTIVITY** - This ordinance shall take effect ten (10) days after a copy thereof is posted in a bulletin board of the Legislative Building and City Hall Building or in at least two (2) other conspicuous places of the City Hall Building and the ordinance has been published once in a local newspaper of general circulation in the city.

**APPROVED.....**

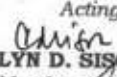
Sponsored by : **Hon. Earl James C. Aquino**  
Co-sponsored by : **Hon. Orlando "Ang Panday" R. Go**  
Seconded by : **Hon. Filemon R. Bacala, Jr.**

I **HEREBY CERTIFY** to the correctness of the foregoing ordinance which consist some forty-five (45) pages including this page.


  
**VIRGILIO O. MONTEMAYOR**  
Secretary

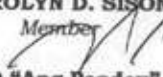
ATTESTED:


  
**CIRILO B. RADO, CPA, L.L.B.**  
(City Councilor)  
Acting Presiding Officer


  
**CAROLYN D. SISON**  
Member


  
**EARL JAMES C. AQUINO**  
Member

  
**CONSTANTE R. CARASI, M.D.**  
Member

  
**ORLANDO "Ang Panday" R. GO**  
Member

  
**OSCAR A. BOLING, C.E.**  
Member

  
**FILEMON R. BACALA, JR.**  
Member

  
**HELEN B. BUMAGAT, LBP**  
Ex-Officio Member

APPROVED:

  
**HERNANI A. BRAGANZA**  
City Mayor