

MUNICIPAL ORDINANCE NO. _____

Series of 20__

AN ORDINANCE ESTABLISHING THE REGULATORY AND MANAGEMENT MECHANISMS AND INSTITUTIONS FOR THE MUNICIPAL WATERS OF THE MUNICIPALITY OF _____

**ARTICLE I
BASIC POLICIES AND PRINCIPLES**

SECTION 1. Title. This Ordinance shall be known and cited as the **FISHERIES AND COASTAL RESOURCE MANAGEMENT CODE OF THE MUNICIPALITY OF _____: ESTABLISHING THE MUNICIPAL WATERS REGULATORY AND MANAGEMENT MECHANISMS AND INSTITUTIONS**

SECTION 2. Declaration of Policies. It is hereby declared the policy of the Municipality:

- a. To achieve food security as the overriding consideration in the utilization, management, development, conservation and protection of fishery resources;
- b. To ensure, for the benefit and enjoyment of the people of _____, the judicious and wise utilization, protection, conservation and management on a sustainable basis, of its coastal and fishery resources, so as to maintain sound ecological balance and improve the quality of the environment, in conformity with the Philippine Fisheries Code (RA 8550, as amended by RA10654), the Local Government Code (RA 7160), the Clean Water Act (RA 9275), the Climate Change Act (RA 9729), and other relevant laws;
- c. To protect the rights of small and marginal fishers in the preferential use of communal coastal and fishery resources;
- d. To establish additional sources of funds to finance the conservation, protection and management of the municipal's coastal and aquatic resources and seascape;
- e. To institutionalize and mainstream in local governance the ecosystem approach in fisheries and coastal resource management;
- f. To regulate the use of the municipal waters; and
- g. To promote and protect the livelihood, health, safety, peace and welfare of coastal resource users and inhabitants.

SECTION 3. Operating Principles of Fisheries and Coastal Resource Management. The Municipal Government of _____ is guided by the following principles in the formulation and implementation of this Ordinance:

- a. Principle of Sustainability. Natural resources within the coastal areas should be used in a sustainable, efficient and socially equitable manner;
- b. Principle of Adaptive Management. Decision-makers should have the means to collect and process ecological, social and economic data to enable them to adapt policies, regulations and method of governance to changes in the social, economic, policy and natural environment, e.g. coastal hazards, impacts of climate change, etc.;
- c. Principle of Participation. Stakeholder participation in the decision-making process involving coastal and fisheries resources in the municipal waters should be ensured;
- d. Principle of Integration. Policies involving coastal and fisheries resources management, protection and conservation must be based on sound scientific data;
- e. Precautionary Principle. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation; and

- f. **Ecosystems Approach to Fisheries Management (EAFM).** An approach to fisheries management that balances ecological well-being and human well-being, through a participatory governance mechanism that takes into consideration the diverse societal objectives or needs of all stakeholders.

SECTION 4. Definition of Terms. As used in this Ordinance, the following terms and phrases shall mean as follows:

1. **Active fishing gear** – fishing gear characterized by active movement and/or pursuit of the target species by towing, lifting, and pushing the gears surrounding, covering, dredging, pumping and scaring the target species to impoundments or encirclements, such as but not limited to, trawl, purse seine, Danish seines, bag nets, push nets, cast nets, harvesting machines, beach seines, *pa-iling*, drift gill net and tuna longline.
2. **Ancillary industries** – industries related to the manufacture, supply and maintenance of fishing vessels, gears, nets and other fishing paraphernalia, fishery machine shops; and other facilities such as hatcheries, nurseries, feed manufacturing, refrigeration, processing plants and other pre-harvest and post-harvest facilities.
3. **Aquaculture** – fishery operations involving all forms of raising and culturing fish and fishery species and aquatic flora and fauna in freshwater, brackish and marine water areas.
4. **Aquatic/coastal pollution** – the introduction of substances by human or machine, directly or indirectly, to the coastal environment which results or is likely to result in such deleterious effects as to harm living and on-living fishery and coastal resources; pose potential and/or real hazard to human health; hindrance to coastal activities such as fishing and navigation, including the dumping/disposal of waste and other marine litter; discharge of petroleum or residual products of petroleum, and other radioactive, noxious or harmful liquid, gaseous or solid substances, from any water, land or other human-made structures.

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 cause similar hazards and deleterious effects shall also constitute aquatic or coastal pollution.

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 and corals.
6. **Artificial reef** – any structural of natural or man-made materials placed in a body of water to serve as habitat or shelter, source of food, aggregating device and/or breeding areas for fishery species.
7. **Bantay-dagat** – fishery law enforcement volunteers deputized by the local government unit.
8. **By-catch** – any catch of species (fish, sharks, marine mammals, turtles, seabirds, etc.) other than the target species.
9. **Carrying capacity** – the maximum number of a given species which can be supported by a particular habitat or ecosystem without damaging it.
10. **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 overfishing and harmful depletion of breeding stocks of aquatic organisms.
11. **Closed season** – the period during which the taking of a specified fishery species by the use of a specified fishing gear is prohibited in a specified area(s) in the municipal waters.

12. **Coastal area/zone** – is a band of dry land and adjacent ocean space (water and submerged land) in which terrestrial processes and uses directly affect oceanic processes and uses, and vice versa, its geographic extent may include areas within a landmark limit of one (1) kilometer from the shoreline at high tide to include mangrove swamps, brackish water ponds, nipa swamps, estuarine rivers, sandy beaches and other areas within a seaward limit of 200 meters isobaths to include coral reefs, algal flats, seagrass beds and other soft-bottom areas. *(may include definitions of other zones as identified by the DENR)*
13. **Commercial fishing** – the taking of fishery species with a fishing vessel of more than three (3) gross tons within an area bounded by the outer limit of the municipal waters, fishery management areas or other areas reserved for exclusive use by municipal fishers and extending to or beyond the country's 200 mile exclusive economic zone (EEZ).
14. **Community service** – means any service or activity that is performed for the benefit of the community or its institutions in lieu of payment of fine imposed as administrative or criminal penalty.
15. **Conservation and management measures** – means measures to conserve and manage living marine resources that are adopted and applied consistently with the relevant rules of international law including those reflected in conventions, RFMO resolutions and laws of other coastal states where Philippine flagged vessels fish.
16. **Coral** – marine animals, anthozoan and cnidarian coelenterates, consisting of polyps and the rigid skeletal structure they produce. The living animal with its skeleton and the skeleton alone are both referred to as coral. Included are members of the genus *Corallium*, characterized by a rigid axis of compact calcareous of horny spicules and represented by red, pink and white corals which are considered precious corals; the Antipatharians, characterized by a thorny, horny axis and represented by the black coral which are considered semi-precious corals, and ordinary corals which are neither precious nor semi-precious and usually characterized by calcareous skeleton.
17. **Coral reef** – a natural aggregation of coral skeleton, with or without living coral polyps, occurring in intertidal and subtidal marine waters.
18. **CSO** – shall mean Civil Society Organizations which include Peoples' Organizations, Non-Government Organizations and private institutions.
19. **Demarcated areas** – boundaries defined by markers and assigned exclusively to specific individuals or organizations for certain specified and limited uses such as:
 - (a) Aquaculture, sea ranching and sea farming;
 - (b) Fish aggregating devices;
 - (c) Fixed and passive fishing gears; and
 - (d) Fry and fingerling gathering.
20. **Department** – shall refer to Department of Agriculture.
21. **Electrofishing** – the use of electricity generated by batteries, electric generators and other source of electric power to kill, stupefy, disable or render unconscious fishery species, whether or not the same are subsequently recovered.
22. **Ecotourism zone** – the part of the municipal waters bordering the barangays of (insert list of barangays).
23. **Endangered, Rare and/or Threatened Species** – aquatic plants, including some varieties of corals and sea shells in danger of extinction as provided 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 of the International Trade of Endangered Species of Flora and Fauna (CITES).

24. **FARMCs** – the Fisheries and Aquatic Resources Management Councils.
25. **Farm-to-market roads** – shall include roads linking the fisheries production sites, coastal landing points and other post-harvest facilities to major market and arterial roads and highways.
26. **Fine-meshed nets**- all net webbing whether made of natural fibers, synthetic or any other materials used in fishing, with a mesh size of less than three (3) centimeters measured.
27. **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.
28. **Fish cage** – any method of culturing fin fish in a fish enclosure which is either stationary or floating made up of nettings or screen sewn or fastened together and installed in the water with opening at the surface and held in place by wooden posts or various anchors and floats.
29. **Fish corral or "Baklad"**– a stationary weir or trap devised to intercept and capture fish consisting of rows of bamboo stakes, plastic nets and other materials fenced with split bamboo mattings or wire mattings with one or more enclosures, usually with easy entrance but difficult exit, and with or without leaders to direct the fish to the catching chambers, purse or bags.
30. **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 resource thereof.
31. **Fishery license** – a document that allows natural or juridical persons to engage in any fishery activities in the municipal waters as defined in the fishery license whether gear, area or species specific.
32. **Fisherfolk** – women and men directly, or personally, physically engaged in taking and/or culturing and processing fishery/coastal/marine resources.
33. **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.
34. **Fisherfolk organization** – an accredited organized group, association, federation, alliance or institution of fishers which has at least 15 members, a set of officers, a constitution and by-laws, and having an organizational structure and programs of action.
35. **Fisherfolk settlement area** – refers to certain areas within the coastal zone which are reserved for the settlement of municipal fisherfolk.
36. **Fish fingerlings** – a stage in the life cycle of the fish measuring about 6-13 cm. depending on the species.
37. **Fish fry** – a stage at which a fish has just been hatched usually with sizes from 1-2.5 cm.

38. **Fish pen** – an artificial enclosure constructed within a body of water for culturing fin fish, made up of bamboo poles closely arranged in an enclosure with either fine bamboo/or wooded materials, screen or nylon netting to prevent the escape of the enclosed organisms.
39. **Fish pond** – a land-based facility enclosed with earthen or stone material to impound water for growing fish.
40. **Fishery management zone** – the part of the municipal waters delineated by the municipality/city as specific for fisheries purposes bordering the barangays of (insert barangay).
41. **Fishery and marine resources** – include not only fish but also mollusks, crustaceans, echinoderms, marine mammals, and other products derived from aquatic resources in any form.
42. **Fishery refuge and sanctuaries** – a designated area where fishing or other forms of activities which may damage the ecosystem of the area is prohibited and human access may be restricted.
43. **Fishery reserve** – a designated area where activities are regulated and set aside for educational and research purposes.
44. **Fishery species** – all aquatic flora and fauna including, but not restricted to, fish, algae, coelenterates, mollusks, crustaceans, echinoderms and cetaceans.
45. **Fishing** – the taking of fishery species, from the wild state or habitat, with or without the use of fishing vessels.
46. **Fishing gear** – any instrumentality or device and its accessories utilized in taking fish and other fishery species.
 - (a) **Active fishing gear** – is a fishing device characterized by the pursuit of the target species by towing, pushing the gears, surrounding, covering, dredging, and scaring the target species to impoundments; such as, but not limited to, trawl, purse seines, Danish seines, *paaling* and drift gill net.
 - (b) **Passive fishing gear** – is characterized by the absence of pursuit of the target species; such as, but not limited to, hook and line, fish pots, traps and gill nets set across the path of the fish.
47. **Fishing vessel** – any vessel, boat, ship or other watercraft equipped to be used for taking of fishery species or aiding or assisting one 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.
48. **Fishing vessel/gear license** – refers to a permit to operate specific types of fishing vessel/gear for specific duration in areas beyond municipal waters for demersal or pelagic fishery resources. (aa)
49. **Fishing with explosives** – the use of dynamite, other explosives or other chemical compounds that contain combustible elements or ingredients which, upon ignition by friction, concussion, percussing 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 substances and or device which caused an explosion that is capable of producing the said harmful effects on any fishery species and coastal resources, capable of damaging and altering the natural habitat.
50. **Fishing with noxious or poisonous products** – the use of any substance, plants extracts or juice thereof, sodium cyanide and/or cyanide compounds or other chemicals either in a raw or processed form,

harmful or harmless to human beings, which will kill, stupefy, disable or render unconscious any fisheries species and coastal resources and capable of damaging and altering the natural habitat.

51. **Fish worker** – women and men regularly or not regularly employed in commercial fishing and related industries, whose income is either in wage, profit-sharing or stratified fishing basis, including those working in fish pens, fish cages, fish corrals/traps fishponds, prawn farms, sea farms, salt beds, fish ports, fishing boat or trawlers, or fish processing and/or packing plants. Excluded from this category are administrators, security guards and overseers.
52. **Food security** – refers to any plan, policy or strategy aimed at ensuring adequate supplies of appropriate food at affordable prices. Food security may be achieved through self-sufficiency (i.e. ensuring adequate food supplies from domestic production), through self-reliance (i.e. ensuring adequate food supplies through a combination of domestic production and importation), or through pure importation.
53. **Foreshore land** – a string of land margining a body of water, the part of a seashore between the low-water line usually at the seaward margin of a low tide terrace and the upper limit of wave wash at high tide usually marked by a beach scarp or berm.
54. **Fully-developed fishpond area** – a clean leveled area enclosed by dikes, at least one foot higher than the highest floodwater level in the locality and strong enough to resist pressure at the highest flood tide; consists of at least a nursery pond, a transition pond, a rearing pond or a combination of any or all said classes of ponds, and a functional water control system and producing in a commercial scale.
55. **Gross tonnage**– includes the underdeck tonnage, permanently enclosed spaces above the tonnage deck, except for certain exemptions. In broad terms, all the vessel's 'closed-in' spaces expressed in volume terms on the bases of one hundred cubic feet (that equals one gross ton).
56. **Illegal fishing** – means fishing activities conducted by Philippine fishing vessels operating in violation of Philippine laws, Regional Fisheries Management Organization resolutions, and laws of other coastal states.
57. **Inland fishery** – the freshwater fishery and brackish water fishponds.
58. **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.
59. **Limited access** – a fishery policy by which a system of equitable resource use and allocation is established by law through fishery rights granting and licensing procedure as provided by this Code.
60. **Harvest control rules** – refers to actions or set of actions to be taken to achieve a medium- or long- term target reference point while avoiding reaching or breaching a limit reference point.
61. **Mangroves** – a community of inter-tidal plants including all species of trees, shrubs, vines and herbs on coasts, swamps, or border of swamps.
62. **Marine Protected Area** – a defined area of the sea established and set aside by law, administrative regulation, or any other effective means in order to conserve and protect a part of or the entire enclosed environment through the establishment of management guidelines. It is considered a generic term that includes all declared areas governed by specific rules or guidelines in order to protect and manage activities within the enclosed area.

63. **Marine reserve** – a designated area within the marine protected area which serves as buffer within the marine protected area where fishing activities are allowed subject to regulation and is characterized by high productivity and/or high biodiversity.
64. **Marine sanctuary** – a designated area within the marine protected area where fishing is prohibited and human access may be restricted and is characterized by high productivity and/or high biodiversity.
65. **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.
66. **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 adaptation for survival and speciation:
- (a) Anadromous species – marine fishes which migrate to freshwater areas to spawn;
 - (b) Catadromous species – freshwater fishes which migrate to marine areas to spawn.
67. **M/CFARMC** – refers to the Municipal/City Fisheries and Aquatic Resources Management Council.
68. **Monitoring, control and enforcement** –
- (a) **Monitoring** – for monitoring fisheries, this may include day to day data collection or long-term observation of: 1) fishing effort which can be expressed by the number of days or hours of fishing, number of fishing gears and number of fishers; 2) characteristics of fishery resources; and 3) resource yields or catch.
 - (b) **Control** – the regulatory conditions, infrastructure or legal framework under which the exploitation, utilization and disposition of the resources may be allowed.
 - (c) **Enforcement** – ensuring that fishery laws, rules and regulations, and ordinances are complied with, and that violations thereof are appropriately penalized. This necessary includes surveillance which refers to the degree and types of observations required to maintain compliance with regulations.
69. **Multiple-use zone** – the part of the municipal waters defined by the water use plan as multiple-use zone, bordering the barangays of (insert list of barangays).
70. **Municipal fishers** – women and men who are engaged in municipal fishing and other related fishing activities. This group is further classified into: subsistence fishers and those engaged in fishing as livelihood.
71. **Municipal fishing** – refers to fishing using fishing vessels of three (3) gross tons or less or fishing not requiring the use of fishing vessels within the (15) kilometers distance from the shoreline.
72. **Municipal government** – refers to the municipal government of the Municipality of (insert municipality), (insert province).
73. **Municipal waters** – include not only streams, lakes, inland bodies of water and tidal waters within the municipality which are not the subject of private ownership and not included within the national parks, brackish water fishponds leased by the government, and national fishery reserves, refuge and sanctuaries but also marine waters included between two lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline including offshore islands and 15 kilometers from such coastline. Where two municipalities are so situated on opposite shores such that there is less than thirty (30) kilometers of marine waters between them, the third line shall be a line equidistant from the opposite shores of the respective municipalities.

74. **MTDC** – refers to the Municipal Tourism Development Council.
75. **Non-governmental organization (NGO)** – an agency, institution, a foundation or a group of persons whose purpose is to assist people’s organizations/associations in various ways including, but not limited to, organizing, education, training, research and/or resource accessing.
76. **Payao** – a fish aggregating device consisting of a floating raft anchored by a weighted line with suspended materials such as palm fronds to attract pelagic and schooling species common in deep waters.
77. **Passive fishing gear** – fishing gear which is characterized by the absence of gear movement and/or pursuit of the target species, such as, but not limited, hook and line, fish pots, traps and gill nets set across the path of the fish.
78. **Pearl farm lease** – public waters leased for the purpose of producing cultured pearls.
79. **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 voluntarily band themselves together to work for and by themselves for their own upliftment, development and greater good.
80. **Person** – natural or juridical entities such as individuals, associations, partnership, cooperatives or corporations.
81. **Philippine waters** – include all waters within the Philippine territory such as lakes, rivers, streams, creeks, brooks, ponds, swamps, lagoons, gulfs, bays and seas and other bodies of water now existing or which may hereafter exist in the provinces, cities, municipalities, municipal districts, and barangays and the water around, between and connecting the islands of the archipelago regardless of their breadth and dimensions, and all other waters belonging to the Philippines including the territorial sea, exclusive economic zone, the sea beds, the insular shelves and other submarine areas over which the Philippines has sovereignty and jurisdiction.
82. **Port state measures** – refers to the requirements established or interventions undertaken by port states, which a Philippine flagged or foreign fishing vessel must comply with as a condition for the use of ports within the port state.
83. **Post-harvest facilities** – these facilities include, but are not limited to, fish port, fish landing, ice plants and cold storages, fish processing plants.
84. **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 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.
85. **Reference points** - means benchmark values often based on indicators such as fishery stock size or the level of fishing that serves as standard to compare estimates of a fishery stock size and fishing mortality over time depending on the biological characteristics of the species. Reference points can mark: (a) a limit or a level that should be avoided; (b) a target, which should be achieved and maintained; or (c) a trigger that signals the need to take prescribed actions.

86. **Resource assessment and valuation** – refers to the processes of quantifying and qualifying the state of the resource, giving the stakeholders and quantities available, the market value and the level of extraction that will enable the resource to replenish without depleting the resource.
87. **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 pearl and giant clam culture), including seaweeds and seagrass.
88. **Sea ranching** – the release of the young of fishery species reared in hatcheries and nurseries into natural bodies of water for subsequent harvest at maturity or the manipulation of fishery habitat, to encourage the growth of the wild stocks.
89. **Subsistence fishers** – women and men engaged in fishing solely for sustenance purposes.
90. **Serious violation** – means any of the following violations of the provisions of this Code:
- (a) Fishing without a valid license, authorization or permit;
 - (b) Fishing without reporting the catch or misreporting the catch;
 - (c) Fishing in a closed area or during a closed season;
 - (d) Fishing of prohibited species;
 - (e) Fishing with the use of prohibited gear or methods;
 - (f) Falsifying, concealing or tampering with vessel markings, identity or registration to conceal vessel identity or lack of registration;
 - (g) Concealing, tampering or disposing of evidence relating to an investigation of a violation;
 - (h) Assaulting, resisting, intimidating, harassing, seriously interfering with, or unduly obstructing or delaying a fisheries law enforcer, authorized inspector or observer or other duly authorized government officer;
 - (i) Intentionally tampering with or disabling the vessel monitoring system; and
 - (j) Committing multiple violations which taken together constitute a serious disregard of this Code.
91. **Superlight** – also called magic light, is type of light using halogen or metal halide bulb which may be located above the sea surface or submerged in the water. It consists of a ballast, regulator, electric cable and socket. The source of energy comes from a generator, battery or dynamo coupled with the main engine.
92. **Sustainable development** – development that meet the needs of the present generation without compromising the ability of future generations to meet their own needs.
93. **Trade and navigational zone** – the part of the municipal waters bordering the barangays of (insert barangay).
94. **Total Allowable Catch (TAC)** – the maximum harvest allowed to be taken during a given period of time from any fishery area, or from any fishery species or group of fishery species, or a combination of area and species and normally would not exceed the MSY.
95. **Trawl** – an active fishing gear consisting of a bag shaped net with or without otter boards to open its opening which is dragged or towed along the bottom or through the water column to take fishery species by straining them from the water, including all variations and modifications of trawls (bottom, mid-water, and baby trawls) and tow nets.
96. **Unregulated fishing** – refers to fishing activities conducted by:
- (a) Vessels without nationality but operated by Filipino and/or Filipino corporation;

- (b) Philippine flagged fishing vessels operating in areas managed by RFMOs to which the Philippines is not a party to; or
 - (c) Philippine flagged fishing vessels operating in areas or fish stocks where there are no applicable conservation and management measures.
97. **Unreported fishing** – refers to fishing activities which have not been reported, or have been misreported to the Department, in contravention of national laws and regulations of the Philippines, or undertaken in the area of competence of a relevant RFMO which have not been reported or have been misreported, in contravention of the reporting procedures of that organization and further elaborated by regulations to be promulgated by the Department.
98. **Zone** – subdivision of the municipal waters into four priority uses – Ecotourism Zone, Multiple-Use Zone; Fishery Management Zone; Trade and Navigational Zone; Histo-Cultural Zone.
99. **Aquarium ornamental animals** – refer to aquatic animals kept in the aquarium as a hobby or as pets or for ornamental purposes, including fishes, invertebrates, crustaceans, and mollusks.
100. **Automatic Location Communicator (ALC) or Mobile Tracking-Transceiver Unit** – refers to an automatic tracking device approved by the Bureau to be installed on fishing vessels that utilize a satellite navigation and communication system for the purpose of transmitting information concerning the Philippine flagged fishing vessel positions, fishing activities and any other activity of the vessel as may be required.
101. **Drift gillnet** – as provided for in Item 46 (a) of Section 4, refers to a large-scale drift gill net which is more than 500 meters in length and has an impact on the by-catch of threatened, protected and endangered species.
102. **Ecosystem-based approach to fisheries management** – means an approach to fisheries that strives to balance diverse societal objectives or needs by taking account of the knowledge and uncertainties about biotic, abiotic, and human components of ecosystems and their interaction and applying an integrated approach to fisheries management within ecologically meaningful boundaries. It may be synonymously used with “ecosystem approach to fisheries management” (EAFM). Under EAFM, fisheries management necessarily includes conserving biodiversity, enhancing ecosystem services and addressing the impacts of climate change. EAFM entails balancing ecological well-being and human well-being through good governance - where resource use benefits are shared equitably and resource management is participatory and gender-sensitive.
103. **Fishing for daily food sustenance** – refers to fishing in which the fish caught, and/or the proceeds thereof, are consumed directly by the families and kin rather than being bought by intermediaries and sold at the next larger market.
104. **Group seine operation/group seining** – refers to the fishing operations of purse seine or ring net fishing fleet consisting of a group of vessels that include the catcher vessel and its support vessels such as carriers, rangers, sonar boats, search boats, scout boats and light boats.
105. **Lumen** – is a measure of the total amount of visible light emitted by a source.
106. **Marine habitat** – refers to an ecological or environmental area inhabited by one or more living species of marine life. It can be divided into coastal and open ocean habitats.
107. **Coastal habitats** are found in the area that extends from as far as the tide comes in on the shoreline out to the edge of the continental shelf.

108. **Open ocean habitats** are found in the deep ocean beyond the edge of the continental shelf, including the extended continental shelf. Marine habitat includes the very organisms that make it up such as but not limited to corals, seagrass, seaweeds, and mangroves.
109. **Migration path** – means the migration route of spawning, schooling or feeding migratory species, going downstream or upstream migration.
110. **Multiple violations** – as provided in Item 90 (j) of Section 4, refer to the commission by an offender at any one instance, of three (3) or more violations as defined in this Code, which are not enumerated under (a) to (i) of Item 90 of Section 4, resulting to actual damage of at least Php Five (5) Million, which, taken together constitute a serious disregard of the Code, and therefore qualify as a serious violation.
111. **Obstruction to navigation and flow of water** – refers to all forms of water and land based structures, whether permanent or movable, constructed without proper authorization from an appropriate government agency, which obstruct navigation or impede the flow of water, causing water stagnation, pollution or massive flooding, provided, that in the case of rivers or streams, the structures are constructed at least one-fourth ($\frac{1}{4}$) of the width of the river or stream measured from where the structure is erected or constructed.
112. **"Pakura"** – means a small motorized boat, three (3) gross tons (GT) or less, using handline fishing gear and operates in conjunction with a commercial tuna handline vessel.
113. **"Sabalo"** – refers to wild milkfish measuring at least sixty (60) cm from snout to end of caudal fin.
114. **Single Seine Operation/ Single Seining** – refers to the fishing operations of a purse seine catcher vessel having the capacity to store or preserve its catch, including the search and support operations of its skiff boats, fast craft, aircraft, drone or any other support vessel.
115. **"Sudsud" or Push net** – refers to a fishing gear also known as "*sakay*", "*suro*" or "*patono*", consisting of a synthetic or natural fiber material attached to a rigid framed bamboo pole or wooden post or log, operated either manually or by the use of a motorized boat with single piston engine of not more than sixteen horsepower, and used to catch *acetes*, small shrimps, anchovies and other fish.
116. **Three highest officers** – for purposes of this Code, the Captain or Maestro shall be considered the highest officer and the Master Fisherman the second highest officer. The third highest officer shall be the next highest responsible person after the Master Fisherman and determined to have been responsible for decision-making in fishery operations. The three (3) officers must be on board the vessel.
117. **Value of species** –except for threatened, endangered or rare species, this refers to the regional market value of the species for the previous year as determined by the Philippine Fisheries Development Authority (PFDA) or in other cases, as the evidence may warrant.
118. **Vessel monitoring measure** – means a method or a system used to track and monitor the position, course and speed of the vessels at any given time for the purpose of management of fishing effort and fisheries resources and for traceability.
119. **Vessel monitoring system** –refers to a satellite-based system used to track and monitor the position, course and speed of the vessels at any given time for the purpose of management of fishing effort and fisheries resources and for traceability.

ARTICLE II

The Municipal Waters, Water Use Zones, Water Users and Exclusive Fishery Privileges

SECTION 5. Territorial Boundary. Pursuant to the Local Government Code of 1991 and the Fisheries Code, the municipal waters of this Municipality shall be within the geographic coordinates in the technical description and corresponding chart attached as Annex "A" as determined by the National Mapping and Resource Information Authority (NAMRIA), for purposes of management and law enforcement, and without prejudice to the settlement of boundary disputes with contiguous LGUs:

--
--
--
--

SECTION 6. Jurisdiction of the Municipal Government. The Municipal Government shall have jurisdiction over the municipal waters. The Municipal Government shall be responsible for the management, conservation, development, protection, utilization and disposition of all coastal and fishery resources within the municipal waters. The Municipal Government, in consultation with the Municipal Fisheries and Aquatic Resources Management Council (MFARMC), shall enact corresponding ordinances and issue executive orders thereon; *Provided*, That all ordinances enacted and all executive orders issued by the Municipal 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 Municipal Government, in coordination with the FARMC and other concerned agencies and institutions, shall also enforce all fishery and environmental laws, rules and regulations, as well as coastal and fishery resource-related ordinances enacted by the *Sangguniang Bayan*.

SECTION 7. Zonation of the Municipal Waters. The municipal waters of (insert municipality/city) are hereby classified according to the following priority coastal zones:

Zone 1 (Ecotourism Zone) – covers the municipal waters bordering the barangays of (insert barangay).

Zone 2 (Multiple-Use Zone) – covers the municipal waters bordering the barangays of (insert barangay).

Zone 3 (Fishery Management Zone) – covers the municipal waters bordering the barangays of (Insert barangay).

Zone 4 (Trade and Navigational Zone) – covers the municipal waters bordering the barangays of (insert barangay).

Zone 5 (Cultural Zone) – covers the municipal waters bordering the barangays of (insert barangay).

Provided, however, that this zonation does not preclude the conduct and management of other activities as appropriate within these policy zones.

SECTION 8. Use of Municipal Waters. The use of the coastal and aquatic resources in the municipal waters shall be reserved for the residents of (insert municipality): *Provided, however*, That other activities such as but not limited to, research and survey activities may be allowed under appropriate regulations, for purely research, scientific, technological and educational purposes that would benefit the (insert municipality) coastal and aquatic interests.

The same executive order issued for granting of permits should also include a section on the granting of privileges to non-residents of (insert municipality), for educational purposes and other relevant purposes.

SECTION 9. Users of Municipal Waters. Subject to existing laws and regulations, all fishery and coastal related activities in the municipal waters shall be utilized by the people of (insert municipality), the municipal fishers and

their organizations and cooperatives duly accredited by the Sangguniang Bayan. *Provided, however,* that municipal fishers from other municipalities may be allowed to use the coastal and aquatic resources in the municipal waters, subject to existing national laws, rules, regulations and local ordinances rules and regulations. *Provided, further,* That no commercial fishing vessel is allowed to operate within the municipal waters, except for commercial fishing vessels locally known as "*basnig*" or "*pusitan*" of up to five (5) gross tons capacity for catching "*dilis*" (anchovy species) and "*pusit*" (squid), which may be allowed to operate through a permit or license within ten point one (10.1) to fifteen (15) kilometer area from the shoreline in municipal waters as defined herein with the boundaries and depth of such allowable areas for commercial fishing.

The same executive order issued for licenses shall include a section stating that fishers from other municipalities should first secure written permit from the nearest barangay intended for fishing.

SECTION 10. Access to Coastal and Fishery Resources. The number of licenses, leases or permits to be granted by the municipal or city government must be in accordance with the Harvest Control Rules (HCR) and reference points adopted for municipal waters. The DA-BFAR is mandated under R.A. 10654 to assist LGUs in establishing HCR.

Registered resident municipal fishers of the municipality or city and their organizations or cooperatives will have priority in the grant of fishery rights and priority in utilizing municipal and demarcated fishery areas in the municipal waters.

The Sangguniang Bayan shall set the optimum number of fishing privileges to be awarded, as it deems necessary.

SECTION 11. Fisherfolk Settlement. The municipal or city government in coordination with (DA and DENR) must identify and designate areas within the public domain, specifically near the fishing grounds of the municipality or city for settlement exclusive to resident municipal fisherfolk.

The municipal or city government in consultation with the MFARMC must issue an implementing guideline for the establishment of fisherfolk settlement 15 days from the effectivity of this ordinance.

SECTION 12. Registry of Coastal and Aquatic Resource Users. The Municipal Government, through the CRMO created herein, shall maintain a registry of coastal and aquatic resource users for the purpose of determining priorities among them, of regulating and limiting entry into the municipal waters, and of monitoring fishing activities and/or other related purposes. Such list or registry shall be updated annually or 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.

The municipal government, upon recommendation of the MFARMC, shall lay-down and review, as may be necessary, the criteria and mechanism for inclusion in or exclusion from said registry. The MFARMC may likewise recommend such criteria and mechanisms.

The CRMO shall also maintain a registry of municipal fishing vessels, type of gears and other boat and fishing particulars, with the assistance of the MFARMC.

There shall be an annual review of registry of fisherfolk to be done by the CRMO and the MFARMC.

The municipal and city government must be guided by the rules and regulation of E.O. No. 305, Series of 2004, in the registration, color coding, and marking of municipal fishing vessels.

SECTION 13. Fishers Organization or Cooperatives. Fishers organizations or cooperatives whose members are listed in the registry of municipal fishers, may be granted use of demarcated fishery areas to engage in fish capture, coastal aquaculture or fish farming. If an organization/cooperative member whose household is already in possession of a fishery privilege other than for fish capture, he or she can no longer enjoy the fishery privilege granted to the organization or cooperative.

SECTION 14. Demarcated Fishery Privileges. The municipal government may grant demarcated fishery privileges to fishery organizations or cooperatives for mariculture operations in demarcated areas stipulated in this ordinance pursuant to Section 22 of RA 8550.

Establishment of demarcated areas stated in the MFO shall apply. The Sangguniang Bayan demarcate additional subzones as deemed necessary.

SECTION 15. Grant of Exclusive Fishery Privileges in Municipal Waters. The Sangguniang Bayan may grant exclusive fishery privileges in designated areas in the municipal waters of (name of municipality), pursuant to Section 149 of the Local Government Code of 1991. Exclusive fishery privileges shall be granted for the construction of (determine appropriate allowable fishery activities based on sound ecological practices): *Provided, however,* That, pursuant to Section 53 of RA 8550, no new concessions, licenses, permits, leases and similar privileges for the establishment or operation of (determine appropriate allowable fishery activities based on sound ecological practices) in the municipal areas shall be granted except to municipal fisherfolk and their organizations: *Provided, further,* That the municipal government may enter into agreements with other neighboring municipalities for extension of reciprocal exclusive fishery privileges which would be advantageous to the residents of both municipalities.

SECTION 16. Preference in the Granting of Exclusive Fishery Privileges in Municipal Waters. The duly registered and accredited organizations, cooperatives of municipal fishers, and people's organizations which have municipal fishers comprising the majority of members shall have preference in the grant of exclusive fishery privileges.

SECTION 17. Procedure in the Grant of Exclusive Fishery Privileges. The municipal government shall observe the following procedure in granting of exclusive fishery privileges:

1. The *Sangguniang Bayan*, in consultation with existing institutions and organizations including the MFARMC, shall determine by resolution the price of the exclusive fishery privilege it shall decide to grant.

Resolutions stating price shall be based on the valuation of the resources and other acceptable standards of valuation advantageous to the municipality.

Consultation will be made at venues proximate to the possible grantee.

The existing institutions and organizations including the MFARMC if it exists in the municipality, shall issue certifications as proof of consultations held.

2. The *Sangguniang Bayan* in consultation with existing institutions and organizations, including the MFARMC if it exists in the municipality, shall draw up an ecologically sound criteria for selecting the organizations/cooperatives that shall be granted exclusive fishery privileges.

In the case of failure of bidding or in the absence of an interested bidder, after due notice the municipal government may enter into a negotiated bid.

In the case that the grantee fails to comply with the requirements of the grant, the municipal government may cancel the exclusive fishery privilege.

3. The *Sangguniang Bayan* shall post in the municipal hall and two other strategic places within the municipality, a notice to fisherfolk organizations or cooperatives to apply for the privilege and provide formal written notices to registered organizations/cooperatives. The same notice shall be posted in at least two strategic places in every fishing barangay and announced once a week for four consecutive weeks in a local radio station.

4. Interested parties shall have a period of forty-five (45) days from the posting of the notice to signify their intention to the Sangguniang Bayan to avail of the exclusive fishery privilege.

All interested parties shall write a letter signifying their intention to avail of the privileges.

The Sangguniang Bayan shall post a list of the interested parties in the strategic areas including fish port, market, town plaza, the SB and municipal hall.

5. Should two or more fisherfolk groups signify their intent to avail of the privilege, the *Sangguniang Bayan* shall accommodate them, if possible.
6. The *Sangguniang Bayan*, through a resolution, shall award the grant to the selected fisherfolk organization or cooperative.
7. The grantee organization/cooperative shall enter into a written agreement with the municipal government pertaining to the exclusive fishery privilege.

The CRMO in consultation with existing institutions and organizations, including the MFARMC if it exists in the municipality, shall draft the contract/written agreement.

The grantee shall provide a report detailing its financial status and production (landed catch, harvest, etc.) to the CRMO.

SECTION 18. Limitations on the Grant of Exclusive Fishery Privileges. The following limitations shall be strictly followed:

1. The exclusive fishery privilege shall be binding and valid only for three (3) years and extendible for another 3 years;
2. The exclusive fishery privilege shall not be sub-contracted or sub-leased, in whole or in part; and
3. The members of the fisherfolk organization or cooperatives whose household are already in possession of any exclusive fishery privilege, other than for fish capture, cannot enjoy the exclusive fishery privilege granted to the organization or cooperative.

SECTION 19. Duties of Licensees, Permit and Exclusive Fishery Privileges Holders. All licensees, permit and exclusive fishery privileges holders shall be governed by the existing rules and regulations governing coastal and fishery resources, and shall:

1. Take precautions as may be necessary to prevent destruction to the coastal and fishery resources and habitat and the municipal waters and to ensure environmental protection at all times;
2. Assume responsibility for the use of fishing boat and any or all acts of his/her agents, such as employees or laborers, including those of contractors connected with his/her fishing operations, or in the establishment, management, or operation of the contract or during the fishing expedition, such as transport and/or possession of dynamite, cyanide and other poisonous or noxious substances, as well as any fish caught through unlawful means;
3. Keep and submit all records and reports of transaction in connection with the license, permit or lease in such format as required by the terms and conditions of the license and as may be required by law;
4. Allow or render assistance to any law enforcer for purpose of inspection, searching and examining any person, document, records and places of operations, including storage areas, auxiliary boats or goods aboard the boat;
5. Vacate the area covered by the fishery privilege, upon expiration or as directed by authorized municipal officials, unless renewed or cancelled;

6. Clear, remove, destroy or demolish any debris, material, structure or gear, or the vacated area placed or constructed on the site of the fishery privilege upon expiration or cancellation of the privilege; and
7. Abide by all related rules and regulations that will be legislated after the enactment of this Ordinance.

SECTION 20. Grounds for the Cancellation of the Exclusive Fishery Privilege. The following are the grounds for the cancellation of the exclusive fishery privilege:

1. Construction and operation of fish corrals and/or gathering of *bangus* fry outside of the designated area in the municipal waters;
2. Violation of any fisheries and environment-related ordinances;
3. Use of dummies;
4. Failure to comply with national laws, rules and regulations; and
5. When public welfare so requires, as deemed by the municipal government, in consultation with the FARMC; *Provided*, That a voluntary written request to forego the exclusive fishery privilege by the holder is a sufficient ground for the cancellation of the privilege

ARTICLE III

Utilization and Allocation System of Fisheries and Aquatic Resources within Municipal Waters

SECTION 21. Regulation of Fishery Activities. Fishery activities are subject to the regulation of the municipal government. No person, cooperative, partnership, firm or corporation shall utilize, occupy, produce, breed, culture, capture or gather fish, fry or fingerlings of any species, and other coastal and fishery resources, or engage in any commercial fishery activity in the municipal waters without a license, lease, or permit secured from the municipal government.

Whenever it is determined by the Municipal Government, in consultation with the MFARMC and other stakeholders, that a specific area in the municipal waters 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 in that area, it may regulate or prohibit fishery activities in the said area.

The Municipality, through the Mayor's office shall be responsible for the issuance of an executive order on the process of obtaining permits, licenses and other related documents.

SECTION 22. Harvest Control Rules and Reference Points. The Secretary may establish reference points and harvest control rules in a fishery management area or for a fishery; *Provided*, however, That in municipal waters and fishery management areas, and waters under the jurisdiction of special agencies, Harvest Control Rules and Reference Points may be established upon the concurrence and approval or recommendation of such special agency and the concerned LGU in consultation with the MFARMC for conservation or ecological purposes.

The DA-BFAR shall assist the LGUs and special agencies in establishing HCR in municipal waters and waters under the jurisdiction of special agencies.

SECTION 23. Establishment of Closed Season. The municipality or city, in consultation with the FARMC, or based on the latter's recommendation, shall establish a closed season during which the taking of specified fishery species by a specified fishing gear is prohibited in the specified area within the municipal waters.

A closed season may be established in municipal waters, fishery management areas, or areas under the jurisdiction of special agencies, upon concurrence of the LGUs or the special agency. The Secretary may include waters under the jurisdiction of special agencies, municipal waters and bays, and/or other areas reserved for the use of the

municipal fisherfolk in the areas to be covered by closed season: Provided, however, That this shall be done only upon the concurrence and approval or recommendation of such special agency and the concerned LGU and FARMC: Provided, further, That in municipal waters, fishery management areas and other areas reserved for the use of the municipal fisherfolk, closed season may be established by the concerned LGU in consultation with the FARMC for conservation or ecological purposes. The FARMCs may also recommend the establishment of closed seasons in municipal waters, fisheries management and other areas reserved for the use of municipal fisherfolk.

The municipal government shall implement and/or provide livelihood support to municipal fishers who will be affected the closed season, including women engaged in fish trading and processing.

SECTION 24. Resource Assessment and Valuation. The Municipal Government, through the CRMO created here, must conduct regular resource assessment and valuation for the purpose of establishing of baseline resource data to serve as reference for sustainable fisheries and coastal resource management.

The municipal/city government in consultation with the MFARMC must issue a separate ordinance containing the details and processes involved in the conduct of resource assessment and valuation.

SECTION 25. Enhancement of Public Awareness and Participation. The municipality must ensure the enhancement of public awareness on the need for the protection and management of coastal and fishery resources and the participation of the communities in the policy-making, decision-making and management processes. Towards this end, the municipal government shall subject policy recommendations, proposed ordinances, plans and programs related to fisheries and coastal resources to consultations with municipal fisherfolk communities and other stakeholders. Such public consultations shall be on record and readily available to the public.

SECTION 26. Recognition of Scientific and Technical Bases, of Traditional Local and Critical Knowledge and Technologies. The municipality must ensure that responsible fishery activities, projects and programs recognize the usefulness of, and, when possible, seek available sound scientific and technical bases in order to assist coastal and fishery managers, the people and other interested groups in making decisions and actions.

The municipality shall recognize traditional, local fisheries knowledge and technologies, in particular those applied to small-scale fisheries, in order to encourage their proper application to sustainable coastal and fishery resource conservation, management and development.

SECTION 27. Artificial Reefs and Other Fish Aggregating Devices (FADS). The construction, installation and deployment of fish aggregating devices in the municipal waters shall be subject to existing laws, rules and regulations, and shall not unduly affect the sustained productivity nor decrease the biodiversity of the natural environment through their use or misuse. *Provided, however,* That before the artificial reefs and other fish aggregating devices are installed and/or constructed in the municipal waters, there should be an assessment of the proposed site, monitoring programs and management plans. *Provided, further,* That artificial reefs and other fish aggregating devices shall not be placed within at least one kilometer away from coral reefs.

The municipal executive through the CRMO shall seek advice from fishery experts regarding the construction/deployment of FADS in the municipal waters.

SECTION 28. Support to Municipal Fishers. The municipal government, in coordination with other agencies and institutions concerned, must support municipal fishing communities and their organizations through appropriate technology and research, credit, production, post-harvest and marketing assistance and other services such as, but not limited to, training for additional or supplementary livelihood coastal and aquatic resource management and family planning and responsible parenthood.

The CRMO shall develop a program for livelihood, social services and other areas of support for the fisherfolk of (insert municipality).

The DA-BFAR shall provide assistance in organizing/strengthening fisherfolk organizations, associations and cooperatives in coordination with the Cooperative Development Authority (CDA), Non-Government Organizations (NGOs), People Organizations (POs) and other concerned agencies.

SECTION 29. Monitoring, Control and Enforcement. The municipal government, in consultation with the MFARMC and other agencies and institutions, shall establish effective mechanisms and guidelines for monitoring, control and enforcement to ensure compliance with policies, programs and projects on conservation, protection and management of coastal and aquatic resources: *Provided, however,* That the municipal government, in consultation with the MFARMC shall establish mechanisms and guidelines for coastal and aquatic resource monitoring, water quality monitoring and surveillance: *Provided, further,* that such mechanisms and guidelines shall be subjected to periodic review by the municipal government, in consultation with the MFARMC.

SECTION 30. Disaster and Risk Reduction and Management. The Municipal Disaster Risk Reduction & Management Coordinating Council (MDRRMCC) in coordination with the CRMO must identify the hazard zone and no-built zone areas in the municipal and city coastal areas and formulate a disaster management and prevention plan in the coastal areas that would detail precautionary measures, risk assessment, disaster response, and rehabilitation, in cases of disasters.

SECTION 31. Construction and Operation of (appropriate allowable fishery activities based on sound ecological practices) Through the Grant of Exclusive Fishery Privileges. The municipal government shall designate the following sub-zones of (specify the sub-zones of the municipality) as areas for the establishment and operation of (appropriate allowable fishery activities) in the municipal waters through the grant of exclusive fishery privileges through bidding.

The municipal government shall designate the sub-zones based on the ecologically sound criteria set and in consultation with existing institutions and organizations.

SECTION 32. Other Designated Areas for the Construction and Operation of (appropriate allowable fishery activities based on sound ecological practices). The municipal government shall designate the following (specify the sub-zones of the municipality) as areas for the establishment and operation of (appropriate allowable fishery activities) in the municipal waters through the grant of an ordinary permit: *Provided, however,* That interested parties who wish to construct and operate (appropriate allowable fishery activities based on sound ecological practices) in the sub-zones stated in this Section shall secure individual permits from the Office of the Mayor upon payment of the necessary permit fee.

SECTION 33. Designated Gathering Areas for Fish Fry and Other Aquatic Juveniles. The municipal government shall designate gathering and collecting areas for fish fry and other juveniles.

SECTION 34. Reserved Area for Fish Fry and Other Aquatic Juveniles. A reserved area where no fry gathering will be allowed at any time, will be designated by the municipal government to ensure sustainable supply of fish fry and other aquatic juveniles.

SECTION 35. Use of Appropriate Gathering Methods for Fish Fry and Other Aquatic Juveniles. The municipal government shall promote and support the use of appropriate technology for the gathering of fish fry and other aquatic juveniles, to reduce by-catch.

SECTION 36. Formulation of Municipal Tourism Development Plan. The municipal government, through the Municipal Tourism Development Council, shall formulate a Municipal Tourism Development Plan, taking into consideration the zonation of the municipal waters as provided for in Section 7 hereof. Such Municipal Tourism

Development Plan shall provide for the requirements for the establishment and operation of tourism facilities within the municipality taking into consideration, in addition to the zonation of the municipal waters, environmental health, sustainable development, and equitable access to resources of the municipal fisherfolk.

SECTION 37. Non-Establishment of Permanent and Semi-Permanent Structures I Foreshore Land. No permanent or semi-permanent structure shall be established within the foreshore land. All structures so constructed shall be removed by the ones who constructed them, or caused their construction, or otherwise benefit from them at their expense within two (2) months from the effectivity of this Ordinance.

SECTION 38. Alteration of Seascape. No alteration of the coastal profile shall be allowed by the municipality, such as but not limited to, importation or extraction of sand, extraction of seagrass, and construction of seawalls or riprap.

SECTION 39. Regulation of Aquaculture. The municipality shall consider aquaculture, including culture-based fisheries, as a means to promote diversification of income and preservation and conservation of coastal and fishery resources: *Provided, however,* That the municipality shall ensure that resources are used responsibly and adverse impacts on the environment and on local communities are minimized: *Provided, further,* That aquaculture and mariculture development shall consider the genetic diversity and ecosystem integrity of the municipal waters: *Provided, furthermore,* That the municipal government shall ensure that the livelihood of the people and their access to fishing grounds are not adversely affected: *Provided, finally,* That the municipal 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 drugs and chemicals, and other aquaculture activities. The practice of aquaculture shall be in conformity with the Code of Practice for Aquaculture as provided for by BFAR.

SECTION 40. Non-Disposition of Public Lands for Fishery Purposes. Public lands such as tidal swamps, mangroves, marshes, foreshore lands and ponds shall not be disposed or alienated for any purpose.

SECTION 41. Qualifications of Applicants to Construct and Operate Aquaculture Activities. The following are the minimum qualifications of any applicant who wishes to secure a permit or lease to construct and operate any aquaculture activity in the municipal waters:

1. A resident of the municipality, of legal age and a registered voter of the municipality, and/or
2. An accredited people's organization or any other organization in the municipality wherein at least sixty (60) percent of its members are residents.

SECTION 42. Designated Areas for Aquaculture and Mariculture. The municipal government shall designate the following sub-zones of Coastal Zone II as areas for the establishment and operation of fish pens in the municipal waters:

Sub-Zone II-1 : The municipal waters (Brgy. _____) within the coordinates of

Sub-Zone II-2 : The municipal waters (Brgy. _____) within the coordinates of

Provided, however, That no fish pens shall be allowed outside of the designated areas within Zone 2, except for scientific, technological and educational purposes: *Provided, further,* That the establishment, operation and management of aquaculture structures shall not exceed the carrying capacity of the area.

The municipal government shall designate the following sub-zones of Coastal Zone II as areas for the establishment and operation of seaweed farming and culture other aquatic organism, such as but not limited to, mollusks and crustaceans, in the municipal waters:

Sub-Zone II-7 : The municipal waters (Brgy. _____) within the coordinates of

Sub-Zone II-8 : The municipal waters (Brgy. _____) within the coordinates of

Provided, however, That no seaweed farm and culture other aquatic organism shall be allowed outside of the designated areas within Zone 2, except for scientific, technological and educational purposes: *Provided, further,* That the establishment, operation and management of aquaculture structures shall not exceed the carrying capacity of the area.

SECTION 43. Size and Distance Between Fish Pens and Fish Cages. The minimum size of fish pens shall be ____ square meters (____ meters x ____ meters) and the maximum size shall be ____ square meters (____ meters x ____ meters) and the distance shall be ____ meters between columns or rows and at least two hundred (200) meters between units.

The minimum size of fish cages shall be ____ meters x ____ meters and the maximum size shall be ____ meters x ____ meters and shall be in clusters of ____ units per clusters and with at least one (1) meter between units and at least twenty (20) meters distance from each clusters. *Provided, however,* That violators of this section should make the necessary adjustment to conform with this section at their own expense.

The maximum size of seaweed farm and culture of other aquatic organisms shall be ____ square meters (____ meters x ____ meters) and the maximum size shall be ____ square meters (____ meters x ____ meters) and the distance shall be ____ meters between lines/units.

SECTION 44. Distance from the Shoreline. No fish pen, fish cage and culture of other aquatic organisms shall be constructed within ____ meters from the lowest tide mark except in cove areas: *Provided, however,* that no fish pen, fish cage and culture of other aquatic organisms shall also be constructed in designated navigational route: *Provided, further,* That no fish pen, fish cage and culture of other aquatic organisms shall also be constructed in front of any wharf: *Provided, furthermore,* that violators of this section shall demolish their fish pen, fish cage and culture of other aquatic organisms at their own expense.

SECTION 45. Stocking Density. An ecologically and economically optimum stocking density for fish pen and fish cage operation should be observed. Stocking density should be regulated by setting standard at the local industry.

Limitation on stocking density should be set through a consultation with experts from BFAR, SEAFDEC or other scientific institutions. The setting of standards on stocking density should be in consultation with owners of fish pen, fish cage and culture of other aquatic organisms, in consideration with the carrying capacity, the current water quality of the area, flushing rate, and other ecological considerations with emphasis in aquaculture practices.

SECTION 46. Feeding. Fish pen and fish cage operators are required to maintain at least ____ feeding trays per fish pen or fish cage to minimize pollution due to excessive concentration of feeds.

Record of feeding frequency, feed type, and amount should be recorded by the owners or fish workers and submitted to the CRMO, every ____ months. Limitation on feeding frequency should be set through consultation with experts from BFAR, SEAFDEC and other scientific institution. The CRMO shall conduct regular annual reviews of the standards set by the industry.

SECTION 47. Permit and Annual Fees. Any person or entity who wishes to construct and operate a fish pen, fish cage and culture of other aquatic organisms within the designated area in Zone 2 shall pay the required fee fixed by the Sangguniang Bayan: *Provided, however,* That the permit to construct and operate a fish pen or fish cage shall only last for ____ years and may be renewed for another ____ years upon the discretion of the municipal government; *Provided, further,* That no fish pen, fish cage and culture of other aquatic organisms shall be constructed without obtaining, and/or complying with all the necessary requirements in securing a permit.

SECTION 48. Limitations on the Granting of Permits to Construct and Operate Fish Pens, Fish Cages and Culture of Other Aquatic Organisms. The following limitations shall be strictly followed:

1. Permit to construct and operate a fish pen, fish cage and culture of other aquatic organisms shall be binding and legal for 1 year and may be renewed for another year at the discretion of the municipal government;
2. The fish pen, fish cage and culture of other aquatic organisms shall not be subleased, in whole or in part. However, the permittee, licensee or lessee may enter into a joint venture agreement, a management contract, or a profit-sharing agreement with a resident of the municipality: *Provided, however,* That such agreement shall be with notice to the municipal government; and
3. The use of dummies shall be sufficient cause for the disqualification of an applicant from obtaining such permit.

SECTION 49. Grounds for the Cancellation of Permit to Construct and Operate Fish Pens, Fish Cages and Culture of Other Aquatic Organisms. The following are the grounds for the cancellation of a permit to construct and operate a fish pen, fish cage and culture of other aquatic organisms:

1. Fraudulent, false and misleading statements in the application;
2. Failure to comply with the provisions of existing national laws and local ordinances;
3. Construction and operation of fish pen or fish cage outside of the designated area;
4. Failure to pay the necessary fees and other surcharges relative thereto;
5. Non-operation of fish pen or fish cage within 90 days from the date of issuance of the permit to construct and operate;
6. Failure to comply with the condition of the contract with the municipal government; and
7. When public welfare so requires as deemed by the municipal government.

Provided, however, That a voluntary written request for the cancellation of the permit by the licensee is sufficient for the cancellation of a permit without prejudice to the performance of obligations obtaining during the cancellation of the permit or that may arise from the permit.

Abandoned fish pens can be leased to new applicants by the municipal government in consultation with the barangay councils from which the licensee obtained clearance.

SECTION 50. Registration of Fish Hatcheries and Private Fishponds. All fish hatcheries, fish breeding facilities and private fishponds should be registered with the municipal government, which shall prescribe minimum standards for such facilities in consultation with the Department.

SECTION 51. Monitoring of Fish Production. The municipal government through the CRMO shall formulate a monitoring mechanism to determine and optimize fish production in the municipal waters.

SECTION 52. Maintenance of Water Quality and Cleanliness. The municipal government through the CRMO and Solid Waste Management Council, in coordination with the operators, owners and caretakers of fish pens, fish cages and other aquaculture activities shall maintain 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, owners and caretakers of fish pens, fish cages and other aquaculture activities shall develop mechanisms for proper waste disposal. Violation of this section may be a ground for cancellation of the permit to operate fish pens, fish cages and other aquaculture activities.

SECTION 53. Navigational Route. The municipal government, in consultation with the MFARMC, shall designate the navigational routes of ferries and other fishing crafts and shall disallow any activity that shall obstruct the designated navigational route.

SECTION 54. Port and Harbor Construction and Development. Port development shall 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, however,* That ports and harbors shall be placed in areas with the highest available flushing rate, and access channels shall be designed to minimize adverse water circulation changes and creation of stagnant water column: *Provided, further,* That ports and harbors shall incorporate facilities which allow for effective waste disposal and erosion control.

SECTION 55. Ferry Operations. Ferry operations shall be subject to regulation by the municipal government, subject to existing rules and regulations on safety and public transportation standards: *Provided, however,* That within 60 days from the enactment of this Ordinance, the municipal government shall issue implementing rules and regulations for the purpose.

ARTICLE IV

Post-Harvest Facilities, Activities and Trade

SECTION 56. Establishment of Post-Harvest Facilities. The municipal government shall coordinate with the private sector and other concerned agencies and the MFARMC in the establishment of post-harvest facilities such as, but not limited to, municipal fish landing sites, fish ports, ice plants and cold storage and other fish processing establishments to serve primarily the needs of the municipal fishers.

SECTION 57. Municipal Fish Port Construction and Development. Municipal fish port development should be sited and designated in a manner that will minimize changes to existing water and sediments quality parameters such as salinity and temperature, dissolved oxygen, nitrogen and sediment concentration; organic constituents and transparency of waters; *Provided, That,* municipal fish ports and harbors should be placed in areas with the highest available flushing rate, and access channels should be designated to minimize adverse water circulation changes and creation of stagnant water column; *Provided, however, That* municipal fish ports and harbors should incorporate facilities which allow for effective waste disposal and erosion.

SECTION 58. Exportation and Importation of Fish and Fishery Products. Export of fish and fishery products shall be regulated whenever such exportation affects the food security and production; *Provided, That,* exportation of the fish shall be prohibited, except those which are hatched or propagated in accredited hatcheries and ponds; *Provided, however, That,* to protect and maintain the local biodiversity and ensure the sufficient supply, spawners, breeders, eggs and fry of *bangus*, prawn and other endemic species, as may be determined by the Department, shall not be exported or caused to be exported by any person; *Provided, further, That,* no person shall import fish and fish products of whatever size, stage or form, for any purpose without securing the necessary permit.

SECTION 59. Auxiliary Invoice. All fish and fishery products, except those caught in violation of the provisions of national laws, rules and regulations, and this ordinance, or are declared as health hazards by concerned institutions, must have an auxiliary invoice to be issued by the municipal CRM office, or Municipal Agriculture Office prior to their transport from the point of origin to their point of destination in the Philippines and/or export purposes upon payment of the prescribed fees to defray administrative costs thereof.

SECTION 60. Support to Municipal Fishers. - The government, in coordination with other agencies and institutions concerned, shall provide support to municipal fishers and their organization through appropriate technology and research, credit, production and marketing assistance and other services such as, but not limited to, training for additional or supplementary livelihood.

SECTION 61. MONITORING OF IMPORTED FISH IN WET MARKETS. The CRM Office shall monitor the entry and the distribution of imported fish in wet markets.

SECTION 62. DOMESTIC TRADING. The municipal/city government shall establish financial and non-financial mechanisms and measures to promote the development of local market.

ARTICLE V

License, Permit and User Fees

SECTION 63. Fishery License and Permit. The license fees of fishery activity in municipal waters shall be determined by the Local Government Units (LGUs) in consultation with the FARMCs. The FARMCs may also recommend the appropriate license fees that will be imposed as per Section 6 of Republic Act 10654. All individuals, cooperatives, partnerships, firms or corporations who are listed in the Registry of Resource Users must secure permit from the Municipal Government before engaging in fishing using particular gear and/or boat or engage in any fisheries activities within the municipality: *Provided*, That the fishery Permit is non-transferrable: *Provided, further*, That the holders agree unconditionally to comply with all the laws, orders, policies, and rules and regulation governing fishing. The permittee shall also assume responsibility for any and all of his acts with his fishing operation.

The municipal government shall enumerate the gears and types of use the gears allowed. Before issuance of the permit, a seminar on environmental awareness and sustainable fishing methods and fishery laws and ordinances shall be given.

SECTION 64. Renewal of Fishery License and Permit. The Fishery Permit, which should indicate limitations for access and use, shall be renewable annually. The holder shall have sixty (60) days prior to the expiration of the license and permit to renew.

SECTION 65. Required Documents. Applicants for Fishery Permit shall submit the following documents to the Municipal CRM Officer:

1. Duly Accomplished Application Form;
2. Certification of inclusion in the municipal registry of resource users;
3. Certification of membership to an accredited municipal fisherfolk organization, if applicable;
4. Community Residence Certificate (for individual) or Certificate of Registration or Accreditation (for organizations, cooperatives, partnership, firms or corporations);
5. Barangay Clearance;
6. Official Receipt of payment for registration;
7. Registration Papers (for Motor Boats); and
8. Other documents depending on the permit applied for.

SECTION 66. Schedule of Permit Fees and Other Charges. Permit fee for specific fishery activity shall be granted only to licensed individuals, organizations, cooperatives, partnerships and corporations upon payment of corresponding fees at the rate not exceeding those fixed hereunder:

Permit Fee for Using Motorized Boats	
Permit Fee/Lease	
Construction and Operation of Fish Corrals (<i>Pasabing, Skaylab and Lambat</i>)/ha.	
Construction and Operation of Seaweed Culture Farm/ha.	
Construction and Operation of Invertebrate Culture Farm/ha.	
Construction and Operation of Oyster and Other Culture Beds/ha.	
Construction and Operation of Fish Pen	

Construction and Operation of Fish Cage/unit/year	
a) G.I. – 12x12 with minimum carrying capacity of 10,000 fingerlings	
15x15 – 20,000 fingerlings	
18x18 – 30,000 fingerlings	
b) PVC – Small	
-- Big	
Permit Fee for Using Fishing Nets	
<i>Basnig</i>	
<i>Tacsay</i>	
<i>Sadeng</i>	
<i>Salambao</i>	
<i>Taba-Paldeg</i>	
<i>Taba-Paltaw</i>	
Permit Fee for the Construction and Operation of Tourism Facilities	
Permit Fee to Berthing/Anchorage	
For vessels/boat of 3 – 10 GT/day	
For vessels/boat of more than 10 GT/day	

SECTION 67. Environmental Tax. An Environmental Tax equivalent to _____ percent (____%) of the gross income of business establishments that use coastal and aquatic resources shall be collected. Such fund shall be used for the conservation and management of coastal and aquatic resources of the municipality. *Provided, That* _____ percent (____%) of this fund shall be allocated for the Coastal Development fund provided for in Section 76.

SECTION 68. Gratuitous Permit. The Municipal Government may issue gratuitous permit to government agencies, educational and research institutions to occupy, produce, culture, capture, or gather fish of any species and other fisheries products in the municipal waters, and to engage in any fishery activities in the municipal waters for scientific or educational purposes, subject to the terms and conditions as may be imposed. *Provided, That* the permittee shall secure required permits from national agencies.

SECTION 69. Coastal Development Fund. The municipal government shall appropriate _____ percent (____%) of all income derived from the utilization and exploitation of the municipal waters and the coastal and aquatic resources for use to finance projects related to coastal and aquatic resource and fishery management in the barangays. Such fund shall be managed by the CRMO, in consultation with the MFARMC and the ABC. *Provided, That* upon the recommendation of the MFARMC and ABC, the projects to be considered support coastal DP and, the beneficiaries are barangay governments and POs and there is equitable distribution of such fund among the barangays of the municipality.

SECTION 70. CRM Fee for Commercial Establishments. Commercial establishments and resorts shall pay annually P25.00 per square meter of commercial space as environmental fee to contribute to the conservation and protection of the coastal and marine resources, which is the backbone of the local economy.

SECTION 71. Trust Fund. All fees, fines and administrative penalties collected under this ordinance shall be deposited in a trust fund, which shall be used for the implementation of the CRM Plan, operations of the CRMO, according to a budget recommended by the CRMO and approved by the Mayor, without need of legislation. Any funds in excess of such budgets shall be disbursed according to the same procedure. Neighboring towns with dive sites may present to the CRMO proposals for the conservation, monitoring or enforcement in dive sites within their municipal waters and the CRMAC can endorse the proposal for the approval of the Mayor. In accordance with Section 311 of the Local Government Code, the Municipal Treasurer shall maintain a depository account for the aforementioned Conservation Trust Fund, with a bank located in or nearest to _____. Earnings of such depository account shall accrue exclusively thereto. At least ten percent (10%) of the collections from the Barangay shall be allotted for programs in that Barangay.

ARTICLE VI
Enforcement, Management and Administration of Municipal Waters:
The CRMO, MFARMC and *Bantay Dagat*

SECTION 72. Administration and Management of Coastal and Marine Resources. Administration and management of the coastal and marine resources of the Municipality of _____ shall be the collective responsibility of the municipal government, the Sangguniang Barangay of the coastal barangays, registered and licensed resource users, stakeholders, and accredited private sector and civil society organizations operating in the Municipality.

SECTION 73. Creation of the Coastal Resources Management (CRM) Office. There is hereby created the Coastal Resources Management (CRM) Office, solely for the purpose of attending to the needs of the coastal and aquatic resources of the municipality. The CRM Office shall be headed by the Municipal CRM Officer, which item is hereby similarly created.

SECTION 74. Functions, Duties and Powers of the CRM Officer. The CRM Officer shall have the following functions, duties and powers:

1. Serve as the secretariat of the Municipal CRMAC;
2. Lead in the implementation of the CRM Plan for the municipality;
3. Prepare the annual budget for the implementation of this ordinance and the CRM Plan, for approval of the *Sangguniang Bayan*;
4. Collect the fees and administrative fines prescribed herein;
5. Formulate measures for the approval of the municipal mayor and the *Sangguniang Bayan*, as the case may be, to ensure the delivery of basic services and provision for adequate facilities relative to coastal and fishery resource management;
6. Develop plans and strategies upon the approval thereof by the municipal mayor and the *Sangguniang Bayan*, as the case may be, implement the same, particularly those which have to do with coastal resource management and fisheries programs and projects;
7. Extend technical assistance to _____ and ensure equitable access to municipal coastal and aquatic resources of municipal fisherfolk in the context of sustainable management and use of coastal and aquatic resources;
8. Enforce laws, administrative orders, rules and regulations, and ordinances relating to coastal resources and fisheries management;
9. Coordinate with government agencies, non-governmental organizations and people's organizations that seek to promote sustainable management of coastal and aquatic resources;
10. 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;
11. Recommend to the *Sangguniang Bayan* and advise the Municipal Mayor, as the case may be, on all other matters related to coastal and aquatic resources to ensure the improvement of livelihood and living conditions of the inhabitants; and
12. Exercise such other powers and performs such other duties and functions as maybe prescribed by law, rules and regulations, and ordinances, or as assigned by the Municipal Mayor.

SECTION 75. Qualifications of the Municipal CRM Officer. No person shall be appointed Municipal CRM Officer unless he is a citizen of the Philippines, a resident of (insert name of municipality), of good moral character, holder of a college degree from a recognized college of university with extensive and actual experience in fishery management, and first grade civil service eligible or its equivalent. The Municipal CRM Officer as a department head shall receive a salary equivalent to salary grade ____.

The CRMO shall have the following units:

1. **Law Enforcement Unit** - shall ensure the enforcement of this ordinance, the Fisheries Code and other laws, rules and regulations affecting the coastal zone. The Unit shall supervise the *Bantay Dagat*;
2. **Marine Protected Areas Unit** - shall be responsible for monitoring the MPA and Fishery Management Area and ensuring that the necessary plans and programs for their conservation are put in place;
3. **Industrial and Pollution Control Unit** - shall be responsible for the inspection, monitoring and data gathering in all establishments for their compliance to the Clean Water Act, the Solid Waste Management Act, the Water Code of the Philippines and the Sanitation Code as well as for recommending plans and programs for the establishment of a water treatment facility;
4. **Finance and Administration Unit** - shall be responsible for collection of all fees, budgeting, financial management and reporting to the Municipal Treasurer.

To ensure the effective implementation of this ordinance, the following positions are hereby created:

1. Coastal Resources Management Officer
2. Law Enforcement Unit Head
3. Marine Protected Areas Unit Head
4. Industrial and Pollution Control Unit Head
5. Finance and Administration Unit Head

The Municipal Mayor shall have the authority to designate additional staff for the above units as s/he deems fit, and deputize volunteers to undertake specific functions.

SECTION 76. *Bantay Dagat*. The Municipality shall organize the *Bantay Dagat*, a community-based enforcement group that will support the operations of the CRMO-Law Enforcement Unit. The Municipality shall include only trained and deputized *Bantay Dagat* members to be deployed to conduct enforcement operations. The Municipality shall provide adequate equipment, compensation and insurance for the members of the *Bantay Dagat*. The Head of the Law Enforcement Unit shall have full and direct control over the operations of the *Bantay Dagat*.

SECTION 77. Role of the Barangay. The Punong Barangay and the Sangguniang Barangay shall be primarily responsible following the General Welfare provisions of the Local Government Code, for the inspection and enforcement of foreshore easements and no-build zones under this Code, boat parking, pollution control and proper garbage disposal in their Barangay.

SECTION 78. Tax Incentives to Barangays. For the purpose of enhancing tax collection, the barangay shall receive ten percent (10%) of the amount of license and user fees collected in their respective barangays as a result of the barangay tax collection campaign, Provided, that the share of the barangay shall be used exclusively for fisheries and coastal resources management programs.

SECTION 79. Establishing/Strengthening of the Municipal FARMC. Pursuant to Section 69 of Republic Act No. 8550, as amended, and Executive Order No. 240, series of 1995, the Municipal FARMC is hereby established/strengthened, as created under _____, with a regular reorganization of existing Barangay FARMC's to ensure the sustainability and effective operation of the ___ Barangay FARMC's.

SECTION 80. Composition of the MFARMC. The regular members of the Municipal FARMC shall be composed of the following:

1. Chairperson of the Sangguniang Bayan Committee on Agriculture/Fisheries;
2. Representative of the Municipal Development Council or the Municipal Planning Development Officer;

3. Municipal Environment and Natural Resources Management Officer;
4. Representative from the accredited non-governmental organizations;
5. Representative from the private sector;
6. Representative from the Office of the Municipal Agriculturist; and
7. At least eleven (11) fisher representatives [seven (7) municipal fishers, one (1) fish worker and three (3) commercial fishers] in the Municipality which include representatives from youth and women sectors.

The FARMC shall adopt rules and regulations necessary to govern its proceedings and election.

SECTION 81. Powers and Functions of the MFARMC. The Municipal FARMC shall have the following powers and functions:

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

SECTION 82. Term of Office and compensation of MFARMC members. Members of the MFARMC who are Municipal officials shall serve during their term of office. The other MFARMC members shall serve for a maximum term of three (3) years. They shall serve without compensation, except for modest honoraria for attending meetings, actual and necessary traveling and subsistence expenses incurred in the performance of their duties. The Municipal officials may receive modest honoraria during special meetings, subject to government accounting and auditing rules and regulations.

SECTION 83. Creation of MFARMC Office. A MFARMC Office is hereby created under the Office of the Municipal Agriculturist to co-implement the Coastal Resource Management Program of the Municipality and assist the OMA in the implementation of the provisions of this Ordinance. The MFARMC Chairman shall serve as the head of the M/CFARMC in a concurrent capacity.

SECTION 84. Designation of Interim CRM Officer. Pending the creation of the Coastal Resources Management Office by the Municipality, as provided for in this Ordinance, the Municipal Mayor shall designate an Interim CRM Officer to assist the Municipality in the implementation of this Ordinance.

ARTICLE VII
Development, Protection and Conservation of
Fisheries and Aquatic Resources within Municipal Waters

SECTION 85. Establishment of Marine Protected Areas (MPAs) & Networks of MPAs. The municipal government shall establish Marine Protected Areas (MPAs) in the municipal waters adjacent to (name of barangay) within the coordinates of:

(indicate here the coordinates of demarcated MPAs)

The municipal government through the SB consultation with existing institutions and organizations, including MFARMC if existing, and the CRM Office shall develop the guidelines in management of MPA.

Provided, however, That the MPA shall be composed of a sanctuary where fishing and other human activities are strictly prohibited, and a reserve area for limited uses to serve as a buffer zone: *Provided, further,* That scientific and educational activities shall be allowed inside the sanctuary and reserve areas for monitoring and other related purposes, only if written permission was obtained from the municipal government.

Provided, further, That existing MPAs shall be networked, if and whenever feasible, with agreement sought from the municipal fishers.

SECTION 86. Management of MPAs. The municipal government, through the existing institutions and organizations, including the MFARMC if existing, shall develop appropriate guidelines in the management and operation of the MPAs. Appropriate budget shall be allocated by the municipal government for the management of the MPAs and/or Networks of MPA. The management of each specific MPA shall be undertaken by interest groups such as POs, multisectoral body, Barangay Council, as the case may be.

SECTION 87. Protection of Rare, Threatened and Endangered Species. The CRM Office shall have a list of endangered species for use in public awareness for the municipality.

SECTION 88. Environmental Impact Assessment (EIA) System. The Municipal Government and its officials shall not issue a Mayor's permit to any development project without an ECC.

SECTION 89. Environmental Compliance Certificate (ECC). All Environmental Impact Statements (EIS) shall be submitted to the Department of Environment and Natural Resources (DENR) for review and evaluation. No persons, natural or juridical, shall undertake any development project without first securing an Environmental Compliance Certificate (ECC) from the Secretary of the DENR

SECTION 90. Protection of Spawners or Breeders. The municipal government shall ensure that spawners or breeders of any fish and shellfish will be protected. Fishing or taking of any spawners or breeders of economically important fish, shellfish and other aquatic resources as determined by MFARMC shall be strictly regulated. The list of endangered species shall also include list of economically important spawners.

SECTION 91. Regulation of Gears. The municipal government shall regulate the construction and operation of *(indicate appropriate gears, subject to regulation based on sound ecological practices)*.

Provided, further, That the grantee of the *(indicate appropriate gears, subject to regulation based on sound ecological practices)* should submit records of catch volume to the FMO office annually; this should be stipulated in the fishery privilege contract.

SECTION 92. Reserved Area for *(indicate species)*. A reserved area where no *(specie)* gathering will be allowed to at any time will be designated by the municipal government to ensure a sustainable supply of *(species)*.

SECTION 93. Regulating the Gathering of Shells and Their Mollusks. The municipal government shall designate gathering, collection and reservation areas for shells and other mollusks. Collection and gathering shall be regulated and strict compliance will be required.

SECTION 94. Recognition of Women's Role in the Management of Gleaning Areas. The municipal government shall consult and work with fisherwomen's groups/organizations in the designation and management of gleaning areas. *Provided, that,* that the municipal government will ensure the provision of necessary support and trainings.

SECTION 95. Ban on Mangrove Conversion. All existing natural stand of mangrove forest within the municipality are declared as reserved and protected areas. These will serve as ecosystem-based adaptation for climate change and disaster protection from tsunami, strong winds, and storm surges. The cutting of mangroves or conversion of mangrove areas into fishpond are prohibited.

SECTION 96. Management of Mangroves and Seagrasses. The municipal government, through the FMO, in coordination with the MFARMC and the people and their organizations in the adjacent barangays where mangroves are located shall promote the proper management of mangrove areas in the municipality: *Provided, however,* That the municipal government shall develop a program that will promote and ensure community stewardship of existing mangrove areas.

SECTION 97. Immediate Restoration of Converted Mangroves. The municipal government, in coordination with the MFARMC and the people and their organizations in adjacent barangays where mangroves are located and other concerned agencies, shall immediately take steps for the restoration of all abandoned, undeveloped or underutilized fishponds to their original state.

SECTION 98. Community-Based Mangrove Reforestation. The municipal government, in coordination with DENR, existing organizations and institutions, including the MFARMC if existing, based in the locality, shall identify suitable areas for and undertake mangrove reforestation. When appropriate and subject to existing laws, rules and regulations, and government programs and projects, the municipal government, in coordination with proper government agencies, shall assist communities and community members to obtain the best arrangements possible with regard to their access to the resources in the mangrove areas they reforest, such as, Community-Based Forest Management Agreement under the CBFM Program of the DENR. The FM Officer shall develop a program for the management of mangroves in the municipality.

SECTION 99. Mangrove-Friendly Technologies. The municipal government shall promote and support the use of mangrove-friendly technologies to encourage the active participation of communities in mangrove management.

SECTION 100. Protection of Seagrasses. The municipal government, in coordination with the MFARMC and people in the barangays and their organizations, shall ensure the sustainable management of seagrasses in the municipal waters: *Provided, however,* That the municipal government shall regulate the use of fishing gears and other human activities that may adversely affect the seagrass. The municipal government in coordination with the CSOs will identify suitable areas for seagrass conservation.

SECTION 101. 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, are 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, however,* That it shall be the responsibility of the polluter to contain, remove and clean-up pollutants at his/her own expense, when appropriate and possible: *Provided, further,* That in case of failure to do so, the person having violated shall be liable to undertake containment, removal and clean-up operations or otherwise be fined by the municipal government in coordination with other agencies accordingly. In all cases, prevention of pollution shall be considered the best strategy.

SECTION 102. People's Participation in Waste Management. The municipal government in coordination with the different people's organizations and cooperatives agencies and institutions concerned shall conduct continuous education on proper management of solid and liquid wastes: *Provided, however,* That the municipal government shall designate appropriate/specific solid waste disposal site: *Provided, further,* That all laws and regulations on waste disposal and pollution control shall be strictly enforced.

SECTION 103. Role of Barangays in Waste Management. Each barangay shall formulate a 4Barangay Solid and Liquid Management Plan in compliance and conformity to the Solid Waste Management Act. The municipal government in coordination with the barangays shall provide measures to facilitate collection, transportation, processing and disposal of wastes. Whenever feasible, every household is encouraged to maintain a viable waste management scheme.

ARTICLE VIII PROHIBITIONS AND PENALTIES

SECTION 104. Compliance with National Laws. The municipal government notes its support and application of existing national laws, orders, rules and regulations such as, but not limited to, RA 8550 as amended by RA 10654 and RA 7160, especially with regard to their penalties.

SECTION 105. Fishing Without License and Permit. No person shall utilize, occupy, produce, breed, culture, capture, or gather in the municipal waters without a license and permit. Violators of this section shall be penalized and prosecuted under the Republic Act No. 10654 and other relevant national laws.

SECTION 106. Commercial Fishing in the Municipal Waters. It shall also be unlawful for any commercial fishing vessel to fish in waters within the municipal waters of (insert municipality), as it is defined in this Ordinance and in. Republic Act No. 8550, as amended by Republic Act 10654. Violators of this section shall be penalized and prosecuted under the Republic Act No. 8550 and other relevant national laws.

The discovery of any person in possession of a fishing gear or operating a fishing vessel in a fishing area where he has no license or permit shall constitute a prima facie presumption that the person is engaged in unauthorized fishing: *Provided,* That fishing for daily food sustenance or for leisure which is not for commercial, occupation or livelihood purposes may be allowed.

Upon a summary finding of administrative liability, the boat captain and the three (3) highest officers of the commercial fishing vessel and the owner or operator who violate this provision shall be penalized with confiscation of catch and gear, and an administrative fine of five (5) times the value of the catch or the amount indicated below, whichever is higher:

1. Fifty thousand pesos (Php 50,000.00) to One hundred thousand pesos (Php 100,000.00) for small-scale commercial fishing;
2. One hundred fifty thousand pesos (Php 150,000.00) to Five hundred thousand pesos (Php 500,000.00) for medium-scale commercial fishing; and
3. One million pesos (Php 1,000,000.00) to Five million pesos (Php 5,000,000.00) for large-scale commercial fishing.

Upon conviction by a court of law, the boat captain and the three (3) highest officers of the commercial fishing vessel shall suffer the penalty of imprisonment of six (6) months and confiscation of catch and gear and twice the amount of the administrative fine.

SECTION 107. Illegal Construction and Operation of Fish Corrals, Fish Pens, Fish Cages and Other Similar Structures, and Engaging in Unauthorized Fisheries Activities. It shall be unlawful to construct and operate fish

corral, fish pen, fish cage and other similar structure without license, lease or permit and/or outside of the designated areas. It shall be unlawful for any person to exploit, occupy, produce, breed or culture fish, fry or fingerlings of any fishery species or fishery products. Violators of this section shall be penalized by (insert penalties/charges) (insert municipality).

The discovery of any person engaging in any of the above activities without a lease, license or permit shall constitute a prima facie presumption that the person is engaged in unauthorized fisheries activity.

Upon a summary finding of administrative liability, the offender shall be penalized with an administrative fine of Five hundred thousand pesos (Php 500,000.00) to One million pesos (Php 1,000,000.00), the dismantling or removal of the structure at the expense of the offender, the rehabilitation of the area affected by the activity and confiscation of stocks.

Upon conviction by a court of law, the offender shall suffer the penalty of imprisonment of six (6) months, a fine equivalent to twice the amount of the administrative fine, the dismantling or removal of the structure at the expense of the offender, the rehabilitation of the area affected by the activity and confiscation of stocks.

SECTION 108. Transfer of Exclusive Fishery Privileges, Rights, Licenses and Permits. It shall be unlawful to transfer exclusive fishery privilege, right, license and permit of any individual, partnership and corporation to others. Violators of this section shall be penalized by imprisonment of (insert penalty/charges).

SECTION 109. Fishing Through Explosives, Noxious or Poisonous Substance, or Electricity. It shall be unlawful for any person to catch, take or gather or cause to be caught, taken or gathered fish or any fishery species in the municipal waters with the use of explosives, noxious or poisonous substance such as sodium cyanide, which will kill, stupefy, disable or render unconscious fish or fishery species: Provided, That the Department, subject to such safeguards and conditions deemed necessary and with the endorsement from the concerned LGUs, may allow, for research, educational or scientific purposes only, the use of poisonous or noxious substances to catch, take or gather fish or fishery species

The discovery of dynamite, other explosives and chemical compounds which contain combustible elements, or noxious or poisonous substances, or equipment or device for electrofishing in any fishing vessel or in the possession of any fisherfolk, operator, fishing boat official or fish worker shall constitute a prima facie presumption that any of these devices was used for fishing in violation of this Ordinance.

The discovery in any fishing vessel of fish caught or killed with the use of explosives, noxious or poisonous substances, or by electricity shall constitute a prima facie presumption that the fisherfolk, operator, boat official or fish worker is fishing with the use thereof.

Upon a summary finding of administrative liability, any person found liable for the actual use of explosives, noxious or poisonous substances shall be punished with confiscation of catch including those not caught illegally if comingled with those caught illegally, gear, explosives and noxious or poisonous substances, or electrofishing devices and paraphernalia and gear, and an administrative fine equivalent to five (5) times the value of the catch or the amount of fine indicated in the IRR of RA 10654 (Section 92) whichever is higher:

1. Thirty thousand pesos (Php 30,000.00) for municipal fishing;
2. Three hundred thousand pesos (Php 300,000.00) for small-scale commercial fishing;
3. One million five hundred thousand pesos (Php 1,500,000.00) for medium scale commercial fishing;
- and
4. Three million pesos (Php 3,000,000.00) for large scale commercial fishing.

Upon conviction by a court of law, the offender shall be punished with imprisonment from five (5) to ten (10) years, confiscation of catch, including those not caught illegally if comingled with those caught illegally, gear, explosives and noxious or poisonous substances, or electrofishing devices and paraphernalia, gear, and a fine

equivalent to twice the amount of the administrative fine, without prejudice to the filing of separate criminal cases when the use of the same result to physical injury or loss of human life.

The actual use of electrofishing devices for illegal fishing shall be punished with imprisonment of six (6) months and a fine of Five thousand pesos (Php 5,000.00). (b) It shall be unlawful for any person to possess explosives, and noxious or poisonous substances for illegal fishing. Upon a summary finding of administrative liability, the offender shall be punished with confiscation of catch, gear, and an administrative fine equivalent to five (5) times the value of the catch or the amount indicated below whichever is higher:

1. Ten thousand, pesos (Php 10,000.00) for municipal fishing;
2. One hundred thousand pesos (Php 100,000.00) for small-scale commercial fishing;
3. Five hundred thousand pesos (Php 500,000.00) for medium scale commercial fishing; and
4. One million pesos (Php 1,000,000.00) for large scale commercial fishing.

Violation of this provision shall be punished with imprisonment from six (6) months to two (2) years, and a fine equivalent to twice the amount of the administrative fine and confiscation of catch and gear.

SECTION 110. Use of Fine Mesh Net. It shall be unlawful to engage in fishing using nets with mesh smaller than that which may be determined by the Department: Provided, That the prohibition on the use of fine mesh net shall not apply to the gathering of fry, glass eels, elvers, *tabios*, and *alamang* and other species that by their nature are small but already mature, as identified in the implementing rules and regulations by the Department.

The discovery of a fine mesh net in a fishing vessel shall constitute a prima facie presumption that the person or fishing vessel is engaged in fishing with the use of fine mesh net. Upon a summary finding of administrative liability, the Department shall penalize the owner, operator, captain or master fisherman in case of commercial fishing vessel, or the municipal fisherfolk, with confiscation of the catch and fishing gear, and an administrative fine equivalent to three (3) times the value of the catch or the value indicated below, whichever is higher:

1. Twenty thousand pesos (Php 20,000.00) for municipal fishing: Provided, That if the municipal fisherfolk fails to pay the fine, he shall render community service;
2. Fifty thousand pesos (Php 50,000.00) for small-scale commercial fishing;
3. One hundred thousand pesos (Php 100,000.00) for medium-scale commercial fishing; and
4. Two hundred thousand pesos (Php 200,000.00) for large-scale commercial fishing.

Upon conviction by a court of law, the captain or master fisherman in case of commercial fishing vessel, or the municipal fisherfolk, shall be punished by imprisonment of six (6) months to two (2) years and a fine equivalent to twice the administrative fine, and confiscation of catch and gear.

SECTION 111. Use of Active Gear in Municipal Waters, Bays and Other Fishery Management Area. It shall be unlawful to engage in fishing in municipal waters and in all bays as well as other fishery management areas using active fishing gears as defined in this Code.

Upon a summary finding of administrative liability, the owner, operator, boat captain and master fisherman of the vessel, or the chief executive officer in a corporation, or the managing partner in a partnership shall be punished with confiscation of the catch and fishing gears, and a fine three (3) times the value of the catch or the value indicated below, whichever is higher:

1. Twenty thousand pesos (Php 20,000.00) for municipal fishing: Provided, That if the offender fails to pay the fine, he shall render community service;
2. Fifty thousand pesos (Php 50,000.00) for small-scale commercial fishing;
3. One hundred thousand pesos (Php 100,000.00) for medium-scale commercial fishing; and
4. Five hundred thousand pesos (Php 500,000.00) for large-scale commercial fishing.

Upon conviction by a court of law, the offender shall be punished with imprisonment of two (2) years to six (6) years and fine equivalent to twice the administrative fine, confiscation and forfeiture of fishing gear and catch.

SECTION 112. Ban on Coral Exploitation and Exportation. It shall be unlawful for any person or corporation to gather, possess, commercially transport, sell or export ordinary, semi-precious and precious corals, whether raw or in processed form, except for scientific or research purposes. It shall also be unlawful for any person, corporation or entity to commit any activity that damage coral reefs.

Upon a summary finding of administrative liability, the owner/operator of the fishing vessel/s, boat captain, master fisherman, and recruiter or organizer of fish workers shall be punished with an administrative fine equivalent to eight (8) times the value of the corals gathered, possessed, commercially transported, sold, or exported, or the amount of Five hundred thousand pesos (Php 500,000.00) to Ten million pesos (Php 10,000,000.00), whichever is higher, and forfeiture of the subject corals. The offender shall also pay compensation for the restoration of the damaged coral reefs.

Value of the Corals. The value of corals shall be based on the value of its ecosystem services as may be later on determined or other bases as may be appropriate.

Upon conviction by a court of law, the boat captain, master fisherman, and recruiter or organizer of fish workers, shall be punished by imprisonment from ten (10) years to twenty (20) years and a fine equivalent to twice the administrative fine and forfeiture of the subject corals.

The offender shall also be required to pay the cost of restoration of the damaged coral reefs based on available studies and as determined by the Department

SECTION 113. Ban on *Muro-ami*, Other Methods and Gear Destructive to Coral Reefs and Other Marine Habitat. It shall be unlawful for any person, natural or juridical, to fish with gear or method that destroys coral reefs, seagrass beds, and other fishery marine life habitat as may be determined by the Department. '*Muro-ami*' and any of its variation, and such similar gears and methods that require diving, other physical or mechanical acts to pound the coral reefs and other habitat to entrap, gather or catch fish and other fishery species are also prohibited.

Upon a summary finding of administrative liability, the owner, operator, boat captain, master fisherman, and recruiter or organizer of fish workers who violate this provision shall suffer the penalty of an administrative fine equivalent to five (5) times the value of the fish caught or Two million pesos (Php 2,000,000.00), whichever is higher, and confiscation of catch and gear. The fish workers who serve as pounders shall be penalized with a fine of Twenty thousand pesos (Php 20,000.00) or community service in case of failure to pay the fine.

Upon conviction by a court of law, the boat captain, master fisherman, and recruiter or organizer of fish workers shall be punished with imprisonment of two (2) years to ten (10) years and a fine equivalent to twice the amount of the administrative fine

SECTION 114. Illegal Use of Superlights or Fishing Light Attractor. It shall be unlawful to engage in fishing with the use of superlight in municipal waters, or to fish with fishing light attractor using candlelight power or intensity beyond the standards set by the Department in consultation with the LGUs for fishing in municipal waters, or in violation of the rules promulgated by the Department for fishing with the use of superlight or fishing light attractor outside municipal waters.

Upon a summary finding of administrative liability, the offender shall be punished by a fine of Twenty thousand pesos (Php 20,000.00) per superlight or fishing light attractor, and confiscation of catch, superlight or fishing light attractor and gears: Provided, That if the offender is a municipal fisherfolk, he may render community service in lieu of fine.

Upon conviction by a court of law, the offender shall be punished with imprisonment from six (6) months to two (2) years and a fine of Forty thousand pesos (Php 40,000.00) per superlight or fishing light attractor, and confiscation of catch, superlight or fishing light attractor and gears: Provided, That if the offender is a municipal fisherfolk, he may render community service in lieu of fine or imprisonment.

SECTION 115. Fishing During Closed Season. – It shall be unlawful to fish during closed season. Upon a summary finding of administrative liability, the offender shall be punished with confiscation of catch and gear and an administrative fine of:

1. Three times the value of the catch or Twenty thousand pesos (Php 20,000.00) for municipal fishing, whichever is higher: Provided, That if the offender fails to pay the fine, community service shall be rendered;
2. Five times the value of the catch or One hundred thousand pesos (Php 100,000.00), whichever is higher for small-scale commercial fishing;
3. Five times the value of catch or Three hundred thousand pesos (Php 300,000.00), whichever is higher for medium-scale commercial fishing; and
4. Five times the value of catch or Five hundred thousand pesos (Php 500,000.00), whichever is higher for large-scale commercial fishing.

Upon conviction by a court of law, the offender shall be punished with imprisonment of six (6) months and one (1) day to six (6) years, confiscation of catch and gear, and fine twice the amount of the administrative fine and cancellation of license or permit.

SECTION 116. Fishing in Marine Protected Areas, Fishery Reserves, Refuge and Sanctuaries. It shall be unlawful to fish in marine protected areas, fishery reserves, refuge, or fish sanctuaries as declared by the Department or the LGUs.

Upon a summary finding of administrative liability, the offender shall be punished with confiscation of catch and gear, and administrative fine of twice the value of the catch or the amount indicated below, whichever is higher:

1. Twenty thousand pesos (Php 20,000.00) for municipal fishing: Provided, That if the offender fails to pay the fine, community service shall be rendered;
2. Two hundred thousand pesos (Php 200,000.00) for small-scale commercial fishing;
3. Six hundred thousand pesos (Php 600,000.00) for medium-scale commercial fishing; and
4. One million pesos (Php 1,000,000.00) for large-scale commercial fishing.

Upon conviction by a court of law, violation of this provision shall be punished by imprisonment of two (2) years to six (6) years and a fine twice the amount of the administrative fine, confiscation of catch and gear, and cancellation of license or permit.

SECTION 117. Fishing or Taking of Rare, Threatened or Endangered Species. It shall be unlawful to fish or take, catch, gather, sell, purchase, possess, transport, export, forward or ship out aquatic species listed in Appendix I of the Convention on the International Trade in Endangered Species of Wild Flora and Fauna (CITES), or those categorized by the International Union for Conservation of Nature and Natural Resources (IUCN) as threatened and determined by the Department as such.

Upon a summary finding of administrative liability, the Department shall penalize the offender with a fine equivalent to five times (5) times the value of the species or Five hundred thousand pesos (Php 500,000.00) to Five million pesos (Php 5,000,000.00), whichever is higher, and forfeiture of the species.

Upon conviction by a court of law, the offender shall be punished by imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine equivalent to twice the administrative fine, forfeiture of the species and the cancellation of fishing permit.

It shall be unlawful to fish, take, catch, gather, sell, purchase, possess, transport, export, forward or ship out aquatic species listed in CITES Appendices II and III if scientific assessments show that population of the species in the wild cannot remain viable under pressure of collection and trade: Provided, That the taking or fishing of these species from the wild for scientific research, or conservation breeding simultaneous with commercial breeding may be allowed.

Upon a summary finding of administrative liability, the Department shall penalize the offender with a fine equivalent to three (3) times the value of the species or Three hundred thousand pesos (Php 300,000.00) to Three million pesos (Php 3,000,000.00), whichever is higher, and forfeiture of the species.

Upon conviction by a court of law, the offender shall be punished by imprisonment of five (5) to eight (8) years and a fine equivalent to twice the administrative fine and forfeiture of the species.

It shall be unlawful to gather, take, possess, transport, or export, forward or ship out captive-bred species that have been transplanted to the wild.

Upon a summary finding of administrative liability, the offender shall be penalized with a fine equivalent to three (3) times the value of the species or three hundred thousand pesos (Php 300,000.00) to Three million pesos (Php 3,000,000.00), whichever is higher, and forfeiture of the species.

Upon conviction by a court of law, the offender shall be punished by imprisonment of five (5) to eight (8) years, a fine equivalent to three (3) times the value of the species or Three million pesos (Php 3,000,000.00), whichever is higher, and forfeiture of the species. 58 Should the violation be committed by a vessel manned by more than two (2) persons, the captain, master, and two highest ranking officers of the vessel involved in the fishing or taking of such protected marine life shall be presumed to have committed the prohibited act.

SECTION 118. Capture of *Sabalo* and Other Breeders/Spawners. It shall be unlawful for any person to catch, gather, capture or possess mature milkfish or *sabalo* and other breeders or spawners of other fishery species as may be determined by the Department: Provided, That catching of *sabalo* and other breeders/spawners for local breeding purposes or scientific or research purposes may be allowed subject to guidelines that shall be promulgated by the Department.

Upon a summary finding of administrative liability, an offender shall be punished with a fine equivalent to five (5) times the value of the *sabalo*, other breeders, or spawners gathered or captured, or Five hundred thousand pesos (Php 500,000.00), whichever is higher, and forfeiture of catch and gear.

Upon conviction by a court of law, the offender shall be punished by imprisonment of six (6) months and one (1) day to eight (8) years and a fine equivalent to twice the amount of the administrative fine, forfeiture of catch and fishing equipment used, and suspension or revocation of license.

ARTICLE IX

Administrative Adjudication, Fines and Other Penalties

SECTION 119. Imposition of Administrative Fines. For any violation of this Ordinance and other related ordinances, the Fisheries Code and other related laws committed, the person shall be arrested and charged criminally under the pertinent law, unless the violator chooses in writing to undergo an administrative process to determine liability for administrative fines.

The law enforcement officer who arrested the violator shall ask the person if s/he would like to avail of administrative procedures to resolve the case. If the person chooses to undergo administrative procedure, the arresting officer shall file a complaint before the Administrative Adjudication Board.

The person choosing to undergo administrative procedure shall state such choice in writing, and shall also commit in writing to appear before the Board for the hearing. Failure to appear during the hearing shall mean that the person has revoked the choice for an administrative procedure. In such case, the law enforcers shall promptly file criminal charges against the person for violation of the Fisheries Code or other pertinent laws.

The person shall remain in custody until the Board hears the case. Provided that, if the Board does not hear the case before the expiration of the period required by law for law enforcers to deliver a person under arrest to the judicial authorities, the law enforcers shall release the person from custody.

The following administrative fines shall apply:

- For the first violation of this ordinance, a warning shall be issued in addition to the imposition of a corresponding administrative fine and penalty of one thousand five hundred Pesos (Php 1,500);
- For the second violation of this ordinance, an administrative fine of two thousand five hundred Pesos (Php 2,500) shall be imposed, and the forfeiture of the catch and fishing gear in favor of the Municipality; and
- A third and succeeding violation/s of this ordinance shall constitute habitual violation of fishing laws and this ordinance and shall subject violator to criminal prosecution under the Fisheries Code or other applicable laws, without prejudice to the revocation of fishing license, and the licenses of the boat and gear used. The catch, boat and gear may also be confiscated as evidence.

In order to determine whether the violator has committed one or more violations of this ordinance, the violation shall be recorded in the license (if a license holder) and a record of violations and violators shall be kept in the Office of the Municipal Agriculturist and the Municipal Treasurer.

In any violation of this ordinance subject to administrative fines, if the violator is a minor (below 18 years old), the administrative fine shall be waived, without prejudice to the application of existing criminal laws and laws protecting the rights of minors in conflict with the law. However, the adult companion(s) of the minor shall be liable for the maximum administrative fine of two thousand five hundred pesos (Php 2,500), if the violation is the first offense. If the adult companions had previous records of violations, they shall be immediately charged criminally for violation of the Fisheries Code and other applicable laws.

Forty percent (40%) of the administrative fines imposed and collected by the Municipality shall be given to the CRM Office as cash benefits for the law enforcement team at the end of each month. Ten percent (10%) shall be given to MFARMC for the operating costs and capacity building and payment for the cost of rehabilitation, medical expenses for injury, or indemnity for death of law enforcement officers, including deputized volunteers. The CRM Office shall determine the equitable distribution of such cash benefits.

SECTION 120. Disposal of Abandoned Fishing Paraphernalia. The disposal to other persons, through donation, or sale, or through other modes, of abandoned fishing paraphernalia used in illegal fishing activities and intentionally cut off or thrown overboard during pursuit operations and kept under the custody of the Office of the *Bantay Dagat*, but are not being the subject of a court litigation, such as, but not limited to, fishing nets, compressors, fishing gears, including fishing boats and motor engines and such other fishing paraphernalia, shall be the responsibility of an appropriate apolitical municipal body that shall be created through an administrative order of the Municipal Mayor, to be composed of the MENRO, PCGA, Academe, Religious Sector, Municipal Agriculture Officer, and the Municipal Treasury Officer and the Chairman of the Sangguniang Bayan Committee on Agriculture and Fishery and SB Chairman on Environmental Protection, as members. The administrative order issued by the

Municipal Mayor shall prescribe and define the duties and responsibilities of the said apolitical body to make it perform its function effectively.

SECTION 121. Redemption of Abandoned Fishing Boats and Engines, Fees, Public Auction. The owner of a fishing boat, who is not a violator, but whose boat was used by a violator in the commission of a violation of this Ordinance, may redeem his boat upon proof of ownership.

- a) **Redemption of Fishing Boats & Engines.** Fishing boats and their engines falling under the category listed in Sec. 119 of this ordinance, but used in illegal fishing activities, may be redeemed by their owners or representative within a period of three (3) months; Provided, That these fishing boats are not equipped with high speed engines such as, but not limited to, 16 hp, 4DR5, 4DR30, 4KS and other similar high speed or high powered engines.
- b) **Redemption Fees.** The redemption fees shall be the following:

Non-motorized fishing boats:	<i>Baroto/sailboats</i> -	Php _____
	<i>Sampan/Dories</i> -	Php _____

Motorized:

Equipped with B & S or Kohler Engines:

16 HP Engine	-	Php _____	Body	-	Php _____
12 HP Engine	-	Php _____	Body	-	Php _____
10 HP Engine	-	Php _____	Body	-	Php _____
7 HP Engine	-	Php _____	Body	-	Php _____
6 HP Engine	-	Php _____	Body	-	Php _____

- c) **Sale through Public Auction.** The fishing boats and their engines shall be sold at public auction if, after the lapse of three (3) months, no one would redeem said fishing boats and engines.

SECTION 122. Trust Fund. As per Section 12 of Municipality Ordinance No. __, series of 20__, also known as the **FISHERIES AND COASTAL RESOURCE MANAGEMENT CODE OF THE MUNICIPALITY OF _____**: **ESTABLISHING THE MUNICIPAL WATERS REGULATORY AND MANAGEMENT MECHANISMS AND INSTITUTIONS**, "all fees, fines and administrative penalties collected under this ordinance shall be deposited in a trust fund, which shall be used for the implementation of the CRM Plan, operations of the CRMO, according to a budget recommended by the CRMO and approved by the Mayor, without need of legislation."

SECTION 123. Administrative Adjudication. A person charged with the violation of this ordinance, who may be liable to pay an administrative fine, has a right to be notified of the violation and to be heard by the Administrative Adjudication Board before the fine can be imposed.

SECTION 124. Creation of an Administrative Adjudication Board. The Administrative Adjudication Board is hereby created and shall be composed of the following: Municipal Planning and Development Officer; Municipal Tourism Officer/CRMO Head; Municipal Treasurer; and two (2) fisherfolk representatives who are members of the Municipal FARMC. The MAO shall be the Secretary of the Board, and the Mayor may appoint such other staff to assist the MAO in the performance of the Board's functions.

- a. **Powers and Duties** – (i) The Board shall have the power to hear all administrative complaints for violation of this Ordinance, and to impose the corresponding administrative fine. (ii) In the exercise of its functions, the Board is empowered to administer oaths, summon witnesses, require the production of documents, records, books, or other things by a subpoena duces tecum and issue other

processes as may be necessary. (iii) Applying the provisions of Article 152, Chapter IV, Title III, Book II of the Revised Penal Code, the Board members are considered persons in authority.

- b. Basic Procedure** – (i) Quorum - The presence of a simple majority of all the Board members appointed shall constitute a quorum. The Board shall determine by a majority vote of its members, whether or not the respondent is liable for the violation based on substantial evidence;
- (ii) Inhibition from Proceedings– Any Board member who is related to the complainant, or the respondent by affinity or consanguinity within the fourth civil degree shall be inhibit himself/herself from the proceedings and the case shall be tried by the remaining members. Provided that there is sufficient number to constitute a quorum;
- (iii) Nature of Proceedings – The hearing shall be summary in nature and is not governed by the technical rules of procedure, but consistent with the rudiments of due process and respect for the fundamental rights of the parties;
- (iv) Hearing – the Board shall allow the respondent to confront the law enforcers and ask them questions regarding the circumstances of the violation. The Board shall allow the respondent to present his side, including witnesses and other evidence;
- (v) Decision – The Board shall refer to the record of violations or examine the fishing license of the respondent (where applicable) to determine if respondent has committed a previous violation of this Ordinance. The Board shall render its decision based on the facts presented by the parties and the record of previous violations, if any.
- c. Formulation of its Rules and Regulations** – The Adjudication Board, may issue supplementary rules and procedures to achieve an expedite administrative proceedings.
- d. Compensation** – Membership in the Board are prohibited from receiving double compensation. However, the Board members and its secretariat may be given honoraria in an amount as may be determined by the *Sanggunian*, for performance of duties in the Board, which is outside their original appointments. Moreover, the Board members and its secretariat may claim reimbursement of their actual transportation expenses incurred in attending Board hearings.

ARTICLE X

Final Provisions

SECTION 125. Mandatory Review. Within 5 years from the passage of this Ordinance, the Sangguniang Bayan shall conduct a review of its effectiveness in achieving the purposes for which it was enacted and shall require the CRMO to provide all the information on its operations including permits, financial reports and studies that reflect the status of the reef ecosystems; the M/CFARMC, however, can recommend amendments to this Ordinance any time.

SECTION 126. Appropriation. The sum necessary to effectively carry out the provision of this Ordinance during the first year of its implementation shall be allocated the amount of One Hundred Thousand Pesos (Php 100,000.00). The budget for subsequent years which shall not be less than the amount of the prior years' appropriation shall be submitted by the Municipal CRM Office to be included in the Annual Municipal Budget Ordinance.

SECTION 127. Separability clause. Should any provision of this Ordinance be declared unconstitutional or invalid, the other provisions thereof not affected shall remain valid and enforceable.

SECTION 128. Repealing clause. Any ordinance whose provisions are inconsistent to this Ordinance are hereby repealed or modified accordingly.

SECTION 129. Effectivity. This Ordinance shall take effect immediately after compliance with the posting and publication requirement pursuant to Section 59 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991.

Signed this day _____ of _____, in _____.