

Republic of the Philippines
Province of Ilocos Sur
MUNICIPALITY OF NARVACAN

OFFICE OF THE SANGGUNIANG BAYAN

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ORDINANCE NO. 01-15
Series of 2004

CHAPTER I

DECLARATION OF POLICY AND DEFINITION OF TERMS

BE it enacted by the Sangguniang Bayan of Narvacan, Ilocos Sur in regular session assembled that:

SECTION 1. This ordinance shall be known as the Basic Fishery Ordinance of the Municipality of Narvacan and shall be enforced in conjunction with the laws, decrees, orders, rules and regulations on fishing and/or fisheries already promulgated or that may later be promulgated.

SECTION 2. DECLARATION OF POLICY

It shall be the policy of this municipality that the fisheries and aquatic resources of Narvacan, Ilocos Sur shall be under a limited access policy for the exclusive use and enjoyment of the Narvacaneous.

It shall be the policy of this municipality to achieve food security as the overriding consideration in the utilization, management, development, conservation and protection of fisheries and aquatic resources in order to provide the food needs of the population. A flexible policy towards the attainment of food security shall be adopted in response to changes in demographic trends of fish, emerging trends in the trade of fish and other aquatic products in domestic and national markets, and the law of supply and demand; and

It shall be the policy of this municipality to grant all sectors the privilege to utilize fisheries and aquatic resources under the basic concept that the grantee, licensee or permittee thereof shall not only be a privileged beneficiary of the municipality but also an active participant and partner in the sustainable development, management, conservation, and protection of the fisheries and aquatic resources of the municipality of Narvacan, Ilocos Sur.

SECTION 3. DEFINITION OF TERMS

As used in this Ordinance, the following terms and phrases shall mean as follows:

1. Ancillary Industries – firms, companies, and cooperatives related to the supply, construction and maintenance of fishing vessels, gears, nets and other fishing paraphernalia, fishery machine shops; and other facilities such as hatcheries, nurseries, feed plants, cold storage and refrigeration, ice plants and other post-harvest facilities.
2. Auxiliary Invoice – the document issued by the municipality for a prior to the transport of fishery and fishery products from the point of origin to their point of destination upon payment of the fee prescribed by the ordinance.
3. Aquaculture – fishery operations involving all forms of raising and culturing fish and other fishery species in fresh, brackish and marine water areas.

4. Aquatic Pollution – the introduction by human or machine, directly or indirectly, of substance or energy to the aquatic environment which result or is likely to result in such deleterious effects as to harm living and non-living aquatic resources, pose potential and or real hazard to human health, hindrance to aquatic resources, pose potential and/or real hazard to human health, hindrance to aquatic activities such as fishing and navigation including dumping/disposal of waste and other marine litters, discharge of petroleum or residual products of petroleum or carbonaceous materials/substances, and other radioactive, noxious or harmful liquid, gaseous or solid substances, from any water, land or any transport or other human made structure. Deforestation, unsound agricultural practices such as the use of banned chemicals, intensive use of artificial feeds, and wetland conversion, which cause similar hazards and deleterious effect shall also constitute aquatic 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 reefs – any structure of natural or man-made materials placed in a body of water to serve a shelter and habitat, source of food, breeding areas for fishery species and shoreline protection.
7. Closed Season – the period during which the taking of specified fishery species is prohibited in an area of the municipal waters.
8. Color Coding System – is a system which has identifying mark on a fishing boat according to the division and classification of the municipal water. It shall be four (4) inches wide and four (4) feet long situated at the upper portion of the bow, port and starboard side of the fishing boat (catcher only).
9. Commercial Fishing – the taking of fishery species by passive or active gear for trade, business or profit beyond subsistence or sports fishing, to be further classified as:
 - a. Small Scale Commercial Fishing – fishing with active gears utilizing fishing vessel of 3.1 to 20 GT;
 - b. Medium Scale Commercial Fishing – fishing with active gears utilizing fishing vessels of 20.1 to 150.1 GT;
 - c. Large Scale Commercial Fishing – fishing with active gears utilizing vessels of more than 150.1 GT.
10. Coastline – refers to the outline of the mainland shore touching the sea at mean lower low tide.
11. Coral Reef – a natural aggregation of coral skeleton, with or without living corals polyps, occurring in intertidal and subtidal marine waters.
12. Deleterious Method of Fishing – is fishing with the use of fishing gear/method which harmful to the growth of corals and its environment and/or detrimental to the habitat of marine life.
13. Demarcated Areas – boundaries defined by market such as buoys and assigned exclusive to specific individuals or organizations for certain specified and limited use such as:
 - a. Mangrove plantation or reforestation, catching or taking of bangus fry or fry of other species, culture of oysters and green mussels, seaweed farming, fish shelters, and fishing with the use of hook and line.
 - b. Fish culture in fish pens, fish cages, sea ranching, passive fishing gears such as fish traps, fish attracting and aggregating devices such as artificial reefs and payaos; and commercial fishing with or without fishing vessel of less than 3 GT.

c. Commercial fishing utilizing fishing vessels of more than 3 to 150 GT.

14. Dolphins – any certain small-toothed marine mammals of the order Cetacean having beak like snouts, the neck vertebrae of which are partially fused.
15. Fee – an amount fixed by law or ordinance for the regulation of a business activity.
16. Fine Mesh Net – net with mesh size of less than three (3) centimeters measured between two (2) opposite knots of a full mesh when stretched.
17. Fingerlings – a stage of life of a fish measuring to about six (6) to thirteen (13) centimeters depending on the species.
18. Fish Cage – refers to an enclosure which is either stationary or floating made up of netting or _____ sewn or fastened together and installed in the water with opening at the surface of covered and held in a place by wooden/bamboo posts or various types of anchors and floats.
19. Fish Coral or “Baklad” – a stationary trap devised to intercept and capture fish consisting of rows of bamboo stakes or other materials fenced with split bamboo matting or wire nettings with one or more enclosures usually with easy entrance but difficult exit, and with or without leaders to direct the fish to the catching chamber or purse.
20. Fish Pen – an artificial enclosure constructed within a body of water for culturing fish and fishery/aquatic resources made up of poles closely arranged in an enclosure with wooden materials, screen or nylon netting to prevent escape of fish.
21. Fisherfolk – people directly or personally and physically engaged in taking and/or culturing and processing fishery and/or aquatic resources.
22. 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 risk and benefits of their undertakings in accordance with the universally accepted cooperative principles.
23. Fisherfolk Organization – an organized group, association, federation, alliance or an institution of fisherfolk which has a least fifteen (15) members, a set of officers, a constitution and by-laws, and organization structure and a program of action.
24. Fish Fry – a stage at which a fish has just been hatched usually with from 1 to 2.5 cm.
25. Fishing – the taking of fishery species from their wild state or habitat with or without the use of fishing vessel.
26. Fishing Gear – any instrument or device and its accessories utilized in the taking of fish and other species classified as:
 - a. Active Fishing Gear – is a fishing device characterized by gear movements, and/or the pursuit of the target species by towing, lifting and pushing the gears, surrounding, covering, dredging, pumping and scaring the target species to impoundments;
 - b. Passive Fishing Gear – is characterized by the absence of gear movements and/or the pursuit of the target species, such as but not limited to, hook and line, fishpots, traps, and gills nets.
27. Fishing License – a document that qualify a person/ corporation/ cooperative/ association to operate fishing activity/ies for a specific duration in a demarcated area in municipal water.

28. Fishing Operator – a person or duly registered corporation/ cooperative/ association who are indirectly engaged in taking and/or culturing and processing fishery and/or aquatic resources, gather bangus fry and fry of other species, construct and operated fish coral/pond/pen/trap/farming and other fishing activities.
29. Fishing Permit – a document which the municipality allows the license to conduct fishing operation in municipal waters.
30. Fish Pond – a land-based facility enclosed with earthen or stone material to impound water for growing fish.
31. Fishery Refuge and Sanctuary/ies – a designated area where fishing to other forms of activity which may damage the ecosystem of the area is prohibited and human access maybe restricted.
32. Fishery Reserve – a designated area where fishing are regulated and set aside for educational and research purposes.
33. Fishing Vessel/Boat – any boat, ship or other watercraft equipped to be used for taking of fishery species or aiding or assisting one (1) or more vessels in the performance of any activity relating to fishing, including, but not limited to, preservation, supply, storage, refrigeration, transportation, and/or processing.
34. Fishing with Electricity – the use if electricity by dry cell batteries, electric generators or other sources of electric power to kill, stupefy, disable or render unconscious any fish or fishery/aquatic products in both fresh or sea water areas.
35. Fishing with Explosives – the use of the dynamite, other explosive or other chemical compounds that contains combustible elements or ingredients which upon ignition by friction, contusion, percussion or detonation of all parts of the compound, will kill, stupefy, disable or render unconscious any fishery species. It also refers to the use of any substance and/or device which cause and explosion that is capable of producing the said harmful effects on any fishery, species and aquatic resources and capable of damaging and altering the natural habitat.
36. Fishing with Noxious or Poisonous Substances – the use if any substance, plant 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 fishery species and aquatic resources and capable of damaging and altering the natural habitat.
37. Fishworker – a person regularly or not regularly employed in commercial fishing and related industries, whose income is either in wage, profit-sharing or stratified sharing basis, including those working in fish pens, fish cages, fish corals/traps, fish ponds, prawn farms, sea farms, salt beds, fish ports, fishing boats or trawlers, or fish processing and/or packing plants. Excluded from this category are administrators, security guards and overseers.
38. Illegal Fishing – the taking of fishery species from their wild state or habitat with the use of explosives, noxious/poisonous substance, electricity, muro-ami and other methods prohibited as defined in this ordinance.
39. Inland Fishery – the freshwater fishery and brackish water fishponds.
40. Mangroves – a community of intertidal plants including all species of trees, shrubs, vines and herbs found on coast, swamps, or border of swamps.

Inland Water

- I – Abuor, Sta. Lucia, Paratong, Pantoc
- II – Cadacad; Casilagan, Estancia, Codoog, San Pablo, Rivadavia, Orence, Cagayungan, San Antonio, San Pedro (Cayapa River)
- III – Margaay, Turod, Paratong

CHAPTER II

UTILIZATION AND EXPLOITATION OF FISHERY/AQUATIC RESOURCES

SECTION 4. DIVISION AND CLASSIFICATION/ZONIFICATION OF MUNICIPAL WATERS

The municipal waters within the jurisdiction of this municipality shall be a Multiple Zone where fishing privileges shall be given with preferential rights to the residents of Narvacan, Hocos Sur.

Marine Water

- 4.1 For the catching of siganid fry and other species, the Single Zone shall start from boundary of Santa portion of the Barangay Sulvec up to the east part of San Pedro shoreline.
- 4.2 For the catching of bangus fry, the following specific municipal waters shall be bidded as Multiple zone.

Tip of Santa to Sulvec – 3.1 kms.

Tip of Sulvec to Bulanos – 2.2 kms.

Tip of Bulanos to Turod – 0.90 kms.

Tip of Turod to Pantoc – 1.20 km.

Tip of Pantoc to San Pedro – 1.50 km.

Tip of San Pedro to Bia-o – 2.20 km.

Inland Water

- Abuor, Margaay, Paratong, Sta. Lucia, San Antonio, Cayapa river, 15.0 Ha.
- Bimmilog River 2.0 ha.
- Margaay, Turod, San Pedro

SECTION 5. USERS OF MUNICIPAL WATERS

All fishery related activities in the municipal waters within fifteen (15) kilometers from the general coastline of the municipality at low tide, as defined in this ordinance, shall be utilized by the municipal fisherfolk and their organizations listed as such in the registry of fisherfolk. Provided, that in the absence of such organizations and cooperatives or their failure to exercise their preferential right, other parties may be granted fishing privilege according to the provisions of RA 7160 and RA 8550.

SECTION 6. ELIGIBILITY FOR FISHING AND/OR FISHERY PRIVILEGES

A license to engage in fishing and other fishery related activities may be issued to the following:

- 6.1 Residents of Narvacan ;
- 6.2 Filipino citizens;
- 6.3 cooperatives, partnerships, associations, firms or corporations duly registered or incorporated under the laws of the Philippines and authorized to transact business in the country having fishing as one of its functions.

SECTION 7. GR. OF FISHING PRIVILEGES IN MUNICIPAL WATERS

The residents of this municipality shall have the preferential right to the fishing privileges to erect and operate fish corals, pens, cages, traps, fish aggregating devices, seaweed farming, fish shelters, oysters, mussels or other aquatic culture beds, gathering of bangus fry or fry of other species, mollusks, aquarium fish within definite zones of the municipal waters, as maybe determined by the Municipal Agriculture Office (MAO), with which said project may be undertaken, and such other fishing privileges within the approved zoning plan of the municipal water of the Municipality of Narvacan to be granted by the Mayor. Provided; that in the absence of or their failure to exercise their preferential right, other parties may participate in the public bidding in conformity with the procedure provided in this Ordinance: Provided, however, the Mayor is authorized to grant fishery privileges to qualified applicants upon the recommendation by the Municipal Agricultural Officer or his authorized Fishery Officer, and upon payment of license/permits fees, therefore at the rate not exceeding those fixed in the Ordinance. The fishery privileges may be granted by the Mayor on a first come first serve basis for a period not exceeding five (5) years subject to renewal for another five(5) years upon filing another application for such purpose. Provided further: That the provisions of the License are fulfilled. Provided, furthermore: That they shall not fish within TWO HUNDRED (200) METERS from any fish corral or artificial reefs operated under exclusive privilege granted by the Municipality in accordance with this Ordinance, or from the core of any coral reef in the municipal waters of this municipality, particularly the declared preservation zone and marine sanctuary. Provided, lastly: That before the Municipal Mayor grant the permit for the operation of any fishing vessel/boat the said fishing vessel will be subjected to the measurement and inspection by the authorized officer of the Municipal Agriculture Office to determine exactly its gross tonnage. The Municipal Agriculture Office shall make public areas/fishery resources subject for lease or fishing within two (2) months prior to the acceptance of application for designated fishery/fishing.

SECTION 8. GRATUITOUS PERMIT

A gratuitous permit may be issued to any government agency or institution of learning by the Municipal Mayor to engage in any fishery related activity in any water area for scientific research or educational purposes, subject to the terms and conditions as maybe imposed.

SECTION 9. REGISTRY OF MUNICIPAL FISHERFOLK

The Municipal Agriculture Office shall maintain and update annually or as may be necessary a registry of fisherfolks and their organization, partnership, corporations who are or who may wish to fish in the municipal waters of this municipality for the purpose of determining priorities among them of limiting entry into municipal waters, of monitoring fishing activities and/or other related purposes. Likewise, there shall be maintained a registry of municipal, small and medium commercial fishing vessels by type of gear and other boat particulars.

SECTION 10. FISHERFOLKS ORGANIZATION AND/OR COOPERATIVE

Fisherfolk organization/ccoperatives whose members are listed in the registry of fisherfolk may be granted to use demarcated fishery areas to engage in fish capture, mariculture, and/or fish farming;; Provided: That a cooperative member whose household is already in possession of a fishery right other than for fish capture cannot enjoy the fishing rights granted to the organization or cooperative.

SECTION II. LICENSE, LEASE, PERMITS AND OTHER LICENSE

The License or permit shall specify the area, fishing gear or method, and where applicable the fishing grounds, vessel, size and other parameters for a fishing vessel engaged in scientific, research or educational purposes.

The privilege of catching, fish or taking aquatic products from the municipal waters by means of nest, traps or other fishing gear, with or without the use if fishing boats shall be granted under ordinary fishery license/permits or grants issued by the Municipal Mayor to any person,

cooperative, association, partnership, firm or corporation qualified under Section 6,9,10 and 11 of this Ordinance upon inspection by an officer from the Municipal Agriculture Office of this municipality and certification issued for the legality to its fishing paraphernalia or equipment and the corresponding license/permit fee at rates indicated in Section 26, hereof.

That the grantee licensee agree unconditionally to comply with all the laws, order, policies and rules and regulations governing fishing.

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

SECTION 12. LICENSING PROCEDURES

- 12.1 Applicants for license/permit or grant of any fishery privilege shall accomplish and file the prescribed application form prepared at the Municipal Agriculture Office. The said application form shall contain a detailed description of the location of the definite portion or area applied or the kind of gear or method, and where applicable the fishing season, vessel size and other parameters for which license is applied and such other information as may be required.

Such application whenever applicable shall be accompanied by the following:

- a. Endorsement and recommendation of the Municipal Agriculture Officer.
- b. Sketch of the area applied for in the designated area/zone.
- c. An Official Receipt of payment from the Municipal Treasurer which is non-transferable and non-refundable.
- d. Photo-copy of the duly approved Articles of Incorporation and/or Certificate of Registration when applicable.
- e. Registration fee or Mayor's Permit License for fishing gear.

- 12.2 The Municipal Agriculture Officer or his authorized Fishery Officer shall determine fishery resources, verify the area/scope of the fishery project, fishing vessels, then tonnage and fishing gears for which fishing permit and license shall be issued, and endorse the same together with their recommendation to the Mayor for approval. The Mayor shall satisfy himself that the grant or license/permit applied for will not be prejudicial to public interest and that the area subject of such application is not covered by any existing grant or less.

SECTION 13. GUIDELINES FOR THE EVALUATION OF PROJECT AND APPLICATION

The Municipal Agriculture Office shall be guided with the following rules evaluating projects and issuance of permits/license for the appropriate use and sustainable development of fisheries and aquatic resources:

- 13.1 It shall provide protection to the capability of the particular resources to renew itself to optimum harvestable levels;
- 13.2 It shall not endanger the economic and ecological viability of the resources in a designated area;
- 13.3 It shall protect the rights of fisherfolks to preferential use of the resources;
- 13.4 All projects which will have an impact on fish and fishery/aquatic resources are required to submit an environmental impact statement for evaluation and approval of the Department of Environment and Natural Resources before the Municipal Agriculture Office issues a certification to proceed with the projects in addition to the requirement of other concerned agencies.

SECTION 14. PRE-QUALIFICATION, BIDS AND AWARDS COMMITTEE

To handle the pre-qualification, public bidding and awards of fishery concessions, lease and contracts, if any, shall be a Committee composed of the Mayor as Chairman, two (2) members of the Sangguniang Bayan, the Municipal Treasurer and the Municipal Agriculture Officer as members.

SECTION 15. TIME AND PLACE OF AUCTION

The Sangguniang Bayan shall, in a resolution, provide for the holding of the public bidding for the granting of the concessions, lease or contracts, specifying the time, date and venue of such auction, the minimum bids, the amount to be deposited for entitlement to participate, the procedure to be followed by the committee, and the amount of bonds, as guaranty of good farm and for satisfactory compliance to the terms of the grant or license. The bond shall

be in cash, in real estate situated within the Philippines, or by a surely company authorized for the purpose, in an amount equivalent to not less than two (2) years rental if for a five year period at the maximum.

SECTION 16. PUBLICATION OF NOTICE

The Pre-qualification Bids and Awards Committee shall cause the publication of the notice to bid in local media. If any, in the bulletin board of the Municipal Hall and in other conspicuous places in the municipality frequented by the public for wide advertisement for a period not less than fifteen (15) days prior to the holding of such public auction. The agenda and other information relative to the bidding shall be deliberated by the Committee at one (1) week before such auction.

SECTION 17. GROUNDS FOR REJECTION/DISAPPROVAL OF APPLICATION FISHERY PRIVILEGES

Application for fishery privileges shall be rejected on any of the following grounds:

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

SECTION 18. LICENSE TO OPERATE FISH PENS, FISH CAGES, FISH TRAPS AND OTHER STRUCTURES FOR THE CULTURE OF FISH AND OTHER FISHERY PRODUCTS

- 18.1 The following are under this Ordinance, eligible to operate/maintain fish cages and fish pens.
- a. Citizen of the Philippines who are residents in the area where they operate the fish pen/fish cage.
 - b. Corporations, partnerships, association or cooperatives duly registered or incorporated under the laws of the Philippines and at least 60% of whose capital stocks belong to the citizens of the Philippines which must be accredited by the Sangguniang Bayan.

- 18.2 Minimum Annual Fees of P 10,00 per sq. meter fish pen/fish cages shall be paid to the Municipal Treasurer by the operators.
- 18.3 The following guidelines should be strictly implemented:
- a. Fish cages shall be operated on rivers one (1) meter apart for each fish cage.
 - b. No fish pen/fish cages shall constructed fronting the opening of another fish pen/fish cages or 150 meters away from the mouth of a river.
 - c. No fish pen/fish cages shall be constructed that would obstruct navigation and the flow of water.
 - d. A maximum of 500 sq.meters fish pen/fish cage shall be granted to a family and 1,000 sq.meters to cooperatives/associations.
 - e. Applicant shall have attended the training on cage/pen culture duly certified.
 - f. In order to maintain good water quality, no person or entry shall be allowed to dispose their garbage or waste to communal water within the jurisdiction of the Municipality.
 - g. It shall be the responsibility of each of the operators to clear their area after each fishing season.
 - h. The use of dummy operators shall be prohibited.
- 18.4 Any person violating this Ordinance shall be penalized in the amount of P 2,500.00 or imprisonment of not less than one (1) month or both depending upon the discretion of the court.

SECTION 19. REGISTRATION AND LICENSING OF POST-HARVEST FACILITIES.

All post-harvest facilities such as fish drying area/s, fish processing plants, ice plants. Cold storage, fish ports/landing and other fishery business establishment must register with and licensed by the municipality.

SECTION 20. REGISTRATION AND LICENSING OF FISHING GEARS USED IN MUNICIPAL WATERS.

Before a fisherfolk, cooperative, association, firm or corporation shall conduct subsistence or commercial fishing operation in municipal water, the fishing gear it will utilize shall be registered and a license granted therefore.

SECTION 21. LICENSING OF FISHING BOATS.

The Mayor shall issue the License upon inspection, verification, and endorsed by the Municipal Agriculture Office to person, cooperative, partnership, association, firm or organization to operate fishing boat/vessel/s three (3) GT or less. The licensed fishing boats shall be numbered and color coded according to Section 4 of this Ordinance. The license shall be renewed annually. The owner/operator for a fishing boat shall have a period of thirty (30) days prior to the expiration of its license within which to renew the same. Provided: That no such special permit shall be required of a fishing vessel in a scientific, research of education purposes within the municipal waters.

SECTION 22. OPTIONAL CONCESSION FOR COMMERCIAL FISHING BOAT.

No commercial fishing boat is allowed to operate fishing activities in the municipal waters.

SECTION 23. TRANSFER OF FISHING BOATS OWNERSHIP

The fishing/operator and /or transferee of registered fishing boat shall notify the Municipal Agriculture Office in writing of the transfer of ownership of the fishing boat within fifteen (15) days after its transfer.

SECTION 24. AUXILIARY INVOICE

Any fish, fish products, or other aquatic products being transported from the municipality to other provinces shall be accompanied by an auxiliary invoice issued under the authority of the municipality upon payment of the corresponding fee thereon.

SECTION 25. GENERAL SCHEDULE OF FISHERY RENTALS, LICENSE, PERMIT FEES AND CHARGES.

Fishery rental, license, permit or fishery privilege of utilizing a definite area or portion of the municipal waters, and/or for the privileges, may be issued and/or granted to individuals, cooperatives, firms or corporation, upon payment of corresponding fishery rental. License/Permit Fees and/or Charges at the rates not exceeding those fixed hereunder:

25.1	APPLICATION MAYOR'S PERMIT :	:	P 100.00
25.2	CERTIFICATION FEE/LICENSE FEE:	:	P 50.00
25.3	AUXILIARY INVOICE	: Fry per thousand	: P 10.00
		: One (1) kilo of fish	: .50 c
25.4	FISH CAGES/FISH POND	: Per 100 sq. m/Annually :	P 10.00
25.5	Fishing using Daklis and Sagap/Annually	:	P 150.00
25.6	Fishing using sigay/Annually	:	50.00
25.7	Fishing using taksay/Annually	:	P 50.00
25.8	Oyster Farm	:	P 50.00/sq.m.

Provided, that no other fee shall be collected from fishermen duly licensed by another municipality unless the license/permit fees paid by them in the municipality are less than those prescribed above, in which case the difference between the two annual fee may be collected. Provided, further, that the residents of this municipality who have not been granted license for commercial fishing shall be allowed to fish in municipal waters using hook and line for their home consumption.

SECTION 26. SURCHARGE

When annual License/Permit fee for any fishery privilege is expired, the license/permittee shall pay a surcharge of one hundred percent (100%). Persons, cooperative, firms or corporations who are delinquent in the payment of any fees for fishery privileges granted are barred from enjoying the privileges directly or indirectly during the period of their delinquency.

SECTION 27. GROUNDS FOR CANCELLATION/TERMINATION OF LICENSE

License to any fishery privileges granted and issued under this ordinance may be cancelled on any of the following grounds.

1. Violation of any existing fishery rules and regulations and other applicable laws;
2. Death of the Licensee, provided that a new license shall be issued to the qualified heirs or assigns upon filing of a new application within ninety (90) days from death of the Licensee;
3. Dissolution of juridical Licensee;
4. Failure to comply with any of the terms and conditions of the Licensee;
5. Fraudulent, false, or misleading statements in the application;
6. Failure to pay the required annual license fee and/or surcharges;
7. Subleasing by the Licensee;
8. Abandonment of the area;
9. Failure to pay any or file a bond when due as prescribed in the grant or licensee;
10. Failure of the Licensee to introduce improvement in the area covered by the licensee within sixty (60) days from the issuance. Non-use of the area for the purpose and which Licensee is granted within One Hundred Twenty (120) days from the issuance of the license shall be ground for the cancellation thereof.

SECTION 28. CONDITIONS FOR THE TRANSFER OF RIGHTS AND INTEREST OVER FISHERY FARM LOTS

The Licensee/Permittee shall not sublease the farm lot or a part thereof. He may transfer his rights over the farm lot any portion thereof under the following conditions:

1. That the Licensee had held the license for a period of not less than one year;
2. The Licensee has not violated any of the rules and regulations related to the operation including the terms and conditions of the license;
3. The Licensee is qualified to develop and operate the farm lot pursuant to the provision of this Ordinance;
4. That there is no evidence that such transfer or conveyance of right is being made for purpose of speculations;
5. That the Transferee shall assume all the obligations of the Transferor; and
6. The area subject of the transfer is not involved in any administrative or judicial case.

CHAPTER III

MANAGEMENT, DEVELOPMENT AND CONSERVATION OF FISHERIES AND AQUATIC RESOURCES

SECTION 29. NON-OBSTRUCTION TO NAVIGATION

Nothing in any section of this Ordinance shall be construed as permitting the Lessee or Licensee to undertake any construction which will obstruct the free navigation of any stream, river, or the marine areas of the municipal waters flowing through or adjoining the fish pen or fish pond, or impede the flow and ebb of tide to and from the area herein the Lessee or Licensee, Grantee or Permittee is granted to a fishery privilege. Any construction made in violation shall be removed upon the order of the Mayor in coordination with the other government agencies concerned at the expense of the Lessee, Licensee or occupants thereof, whenever applicable.

SECTION 30. NON-OBSTRUCTION TO DEFINED MIGRATION PATHS

Nothing in the foregoing sections shall be construed as permitting the Lessee, Permittee, or Licensee to undertake any construction which will obstruct any defined migration path of catadromous species such as river mouths and estuaries within a distance determined by the Municipal Agricultural Office.

SECTION 31. MANGROVE PROTECTION AND CONSERVATION

The municipality government through the Municipal Agricultural Office shall immediately take steps for the restoration of all abandoned, undeveloped or under utilized fishponds of areas to their original mangrove state.

SECTION 32. FISH LANDING POINTS AND FISH MARKET

The Sangguniang Bayan shall determine and designate fish landing and establish Fish Market in the municipality where all fish catch and other sea products entering the municipality shall land, unloaded, and inspected by the Municipal Agriculture Officer or his representative, Municipal Fish Inspector, before the same are offered for sale to the public.

SECTION 33. CLOSE SEASON FOR CATCHING SIGANID

The first appearance of siganid fry shall be declared as closed catching of siganid fry shall be prohibited on the month of March.

SECTION 34. PROTECTION OF ENDANGERED SPECIES OF FISH

Catching of endangered species of fish such as dolphin, whale, turtle and sting ray (mantis), other fish species which are in danger of being extinct shall be illegal.

SECTION 35. REPORTING AND MONITORING SYSTEM

35.1 Fish Catch report

Caught fish in the municipal waters of this municipality shall submit a bi-annual report of fish caught to the Municipal Agriculture Office. This report shall be prepared in triplicate showing the kind, quantity and price/unit, if sold, of fish caught during the period, and must be submitted within the first ten (10) days of the month of July and January of each proceeding year.

35.2 Monitoring of Fish Landings and Shipments of Fish and Fishery Products.

The Municipal Agriculture Officer or its duly authorized Fishery Officer is hereby authorized to monitor fish landings and fish markets, particularly the kind of species and corresponding volume in cooperation with the Municipal Revenue Collector. Likewise, all fishery and aquatic products being shipped out of the municipality shall be monitored by the same office in cooperation with the Office of the Municipal Treasurer and the Philippines National Police (PNP).

35.3 Monitoring, Control and Surveillance of Municipal Waters

A monitoring, control and surveillance system shall be established by the municipality through the Municipal Agriculture Office and in coordination with other agencies concerned to ensure that the fisheries and aquatic resources in the Municipal Waters are wisely utilized and managed on a sustainable basis and conserved for the benefits and enjoyment exclusively of Filipino Citizens.

35.4 System of Reporting and Monitoring

There shall be developed a system of reporting and monitoring on all aspects of the activities and operation of fisherfolk and their organization/cooperative. The system shall render the following data but not limited to the number of fishermen, fishing boat, catch effort, fishing violations and other related fisheries and aquatic resource activities. Each data will be collated and returned to the Committee of Fisheries and Aquatic Resources Council of the Municipal Council for their planning and exercise.

SECTION 36. RULES AND REGULATIONS

The Municipal Mayor shall upon recommendations of the Municipal Agriculture Officer of his authorized Fishery Officer shall promulgate rules and regulations to implement effectively the provisions of this Ordinance. Such rules and regulations shall unless otherwise herein provided, shall take effect fifteen (15) days after its publication to Local Bulletin/Newspaper or to at least five (5) conspicuous places barangay being affected.

SECTION 37. FISH INSPECTION SERVICES

All fish, crabs, shrimps, squids and other fishery products intended for public consumption shall be inspected by the Municipal Agriculture Officer and/or his authorized Fishery Officer before they are offered for sale to the public and an Inspection Fee shall be collected thereof as prescribed in this Ordinance.

SECTION 38. JURISDICTION OF THE FISHERIES AQUATIC RESOURCES MANAGEMENT SECTION IN MUNICIPAL WATERS

The Fisheries and Aquatic Resources Management Section shall be jurisdiction and responsibility over the management, conservation, development, protection, utilization, disposition and research of all fisheries and aquatic resources of the municipality.

SECTION 39. MANAGEMENT AND DEVELOPMENT OF FISHERIES AND AQUATIC RESOURCES IN MUNICIPAL WATERS

The local fisherfolk and other resources users and their organization shall not only be a privileged beneficiary of the municipality but also an active participant and partner of this municipality in the sustainable development, management, conservation and protection of the fisheries and aquatic resources of the municipality.

SECTION 40. RESPONSIBLE OFFICE

There is hereby created a Fishery Management Office under the supervision and control of office of the municipal Mayor of Narvacan, Ilocos Sur. The Fisheries Management Office shall be created within the Municipal Mayors Office to exercise the function of the Fishery Management Office.

CHAPTER IV

THE FISHERIES AND AQUATIC RESOURCES MANAGEMENT COUNCIL (FARMC) PURSUANT TO RA 8550

SECTION 41. DEVELOPMENT OF FISHERIES AND AQUATIC RESOURCES IN MUNICIPAL WATERS

Fisherfolk and their organizations residing within the geographical jurisdiction of this municipality shall develop the fishery/aquatic resources in municipal water (and bay).

SECTION 42. CREATION OF MUNICIPAL FISHERIES AND AQUATIC RESOURCES MANAGEMENT COUNCIL (MFARMC)

The FARMC shall be formed by fisherfolk organizations/cooperatives and NGOs in this municipality and shall be assisted by the Municipal Agriculture Office and other agencies concerned. Before organizing the MFARMC, there shall be consultations/s and orientation/s on the formation of MFARMC with commercial or subsistence fisherfolks, fisherfolks organization, cooperatives, fisherworkers, aquaculture, and NGOs.

SECTION 43. TERM OF OFFICE

The members of MFARMC, except the representative of different agencies concerned, shall serve for a term of three (3) years unless otherwise re-elected by their organization to represent as such. The MFARMC shall be entitled to reasonable honorarium of Two Thousand Pesos (P2,000) monthly for participation in the activities of the FARMC subject to the usual accounting rules and regulation.

SECTION 44. FUNCTION OF MFARMC

The MFARMC shall exercise the following functions:

1. assist in the preparation of the Municipal Fishery Development Plan and submit such plan to the Municipal Development Council.
2. recommend the enactment of municipal fishery ordinances to the Sangguniang Bayan through its Committee on Fisheries.
3. assist in the enforcement of fishery laws, rules and regulations in the municipal waters.
4. advise the Sangguniang Bayan on fishery matters through its Committee on Fisheries, and
5. perform such other functions which may be assigned by the Sangguniang Bayan.

SECTION 45. COMPOSITION OF THE MFARMC

The regular member of the MFARMC shall composed of:

1. Municipal Planning Development Officer;
2. Chairperson, Committee on Agriculture and Fisheries of the Sangguniang Bayan;
3. A representative of the Municipal Agriculture Office;
4. A representative of the Municipal Development Council;
5. A representative from the accredited NGO;
6. A representative from the private sector;
7. Seven (7) representative from municipal fisherfolk which include representative from youth and women sector;
8. Three (3) representative from commercial fishers; and
9. One (1) representative from fisherworker.

SECTION 46. OFFICERS OF MFARMC

The officers of the MFARMC shall be a Chairman, Vice Chairman, and a Secretary. They shall be elected by the members of the MFARMC from among themselves.

All officers of MFARMC shall hold office for a term of three (3) years until their successors are duly elected and qualified;

SECTION 47. FUNCTIONS AND POWERS OF OFFICERS

CHAIRMAN

The Chairman shall be the Chief Executive Officer of MFARMC, In addition to his duty as such:

1. He shall preside in all meetings of the MFARMC and those of the members of said Council;
2. He shall execute all resolutions and/or decisions of the said Council;
3. He shall submit to the said Council as soon as possible after the close of each fiscal year, and to the members during annual meeting, a complete report of the activities and operations of the MFARMC for the fiscal year under his term.
4. He shall submit to the Municipal Development Council all resolutions and/or decisions of the MFARMC.

VICE CHAIRMAN

The Vice Chairman, if qualified, shall exercise all powers and perform all duties of the Chairman during the absence or incapacity of the latter and shall perform duties that maybe assigned by the said Council. He shall be the Ex-Officio Chairman of the Education Committee of the MFARMC.

SECRETARY

The Secretary shall give all the notices required and keep the minutes of all meetings of the members, the MFARMC, the MDC-MFARMC, and all Committee created, in a book kept for the purpose. He shall keep the seal of the MFARMC and affix such seal to any paper or instrument requiring the same. He shall have the custody of the correspondence files and all other papers that are to be kept. He shall maintain the members register, have charge of the bulleting board at the principal office and shall perform all such other duties and responsibilities as the Council may from time to assign to him.

SECTION 48. Operational Expenses. The office of the Municipal Mayor shall be responsible for including budgetary allocation for the operational expenses of the FARMC in the proposed annual appropriations of the municipality.

CHAPTER V

FISHERY RESERVES, FISH REFUGE AND SANCTUARIES

SECTION 49. FISHING AREAS RESERVES FOR EXCLUSIVE USE OF GOVERNMENT

The LGU may designate area or areas in the municipality through the recommendation of the MFARMC fishery reservation for exclusive use of the government or any of its political subdivisions, agencies or instrumentalities, for propagation, education, research and scientific purposes: Provided, that the MFARMC made consultation with the fisherfolks concerned that portion of the municipal waters be declared as fishery reserves for special or limited use, for educational, research, and/or special management purposes.

SECTION 50. FISH REFUGE AND SANCTUARIES

The Sangguniang Bayan may establish fish refuge and sanctuaries. Provided that the MFARMC made consultation with the fisherfolks regarding the establishment of fishery refuge and sanctuary. Provided, further, that at least fifteen percent (15%) where applicable of the total coastal area of each barangay shall be identified, based on the best available data and informations and in consultation with the LGU, and automatically designated as fish sanctuary by MFARMC in consultation with the concerned barangay FARMC/fisherfolks.

CHAPTER VI

PROHIBITIONS AND PENALTIES

SECTION 51. UNAUTHORIZED FISHING OR ENGAGING IN OTHER UNAUTHORIZED FISHERIES ACTIVITIES

- 51.1 No person, cooperative, partnership, association, firm or corporation shall exploit, occupy, produce, breed, culture, or gather fish, fish fry or fingerlings of any fishery species or fishery products, or engage in any fishery activity in the municipal waters without a license, lease or permit. Discovery of any person in an area where he has no permit or registration papers for a fishing vessel is engaged in unauthorized fishing.

It shall be unlawful for any person not listed in the registry of fisherfolk of this municipality to engage in any fishing activity in municipal waters. Any fisherfolk who commits such violation shall be punished by confiscation of catch and a fine of Five Hundred Pesos (P500.00) pursuant to Section 86 of RA 8550.

- 51.2 It shall be unlawful for any commercial fishing vessel to fish in fishing areas declared reserve for fish refuge and sanctuaries.

Pursuant to Section 86 of RA 8550, any commercial fishing boat captain or the three (3) highest officers of the boat who commit any of the above prohibited acts upon conviction shall be punished by a fine equivalent to the value of catch or Two Thousand Five Hundred (P 2,500.00) whichever is higher, and imprisonment of six (6) months, confiscation of fish catch and fishing gears and automatic revocation of license.

SECTION 52. ILLEGAL USE OF FINE MESH NET

It shall be unlawful to engage in fishing in municipal waters if this municipality using fine mesh net as described in Section 3.15 of this Ordinance. Provided, That the use of fishing nets with legal size but doubled or overlaid one on top of the other in an attempt to circumvent this provision shall be construed as using fine mesh net in fishing. Provided, however, 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 such species which by nature are small but already mature to be identified in the implementing rules and regulations by the Department of Agriculture through the Bureau of Fisheries and Aquatic Resources.

Pursuant to Section 89 of RA 8550, violation of the above shall subject the offender to a fine from Two Thousand Pesos (P2,000.00) or imprisonment from six (6) months to two (2) years or both such fine and imprisonment at the discretion of the court. Provided, that if the offense is committed by a commercial fishing vessel, the boat captain and the master fisherman shall also be subject to the same penalties herein. Provided, further, that the owner/operator of the commercial fishing vessel, who violates this provision shall be subjected to the same penalties provided herein. Provided, finally, that the DA-BFAR is hereby empowered to impose upon offender an administrative fine and/or cancel his permit or license or both, in municipal waters.

SECTION 53. USE OF MURO-AMI AND ANY OF ITS VARIATION/MODIFICATION AND GEAR DESTRUCTIVE TO CORAL REEFS AND OTHER MARINE HABITAT CONSIDERED DELETERIOUS METHOD OF FISHING

53.1 It shall be unlawful for any person, natural or juridical to fish with Muro-Ami and any of its variation/modification and gear destructive to coral reefs and other marine habitat considered deleterious method of fishing in the municipal waters of this municipality.

Pursuant to Section 62 RA 8550, the operator, boat, captain, master fishermen and recruiter or organizer of fish workers who violate this provision shall suffer a penalty of two (2) years to ten (5) years imprisonment and a fine of not less than Two Thousand Five Hundred Pesos (P2,500.00) such fine and imprisonment at the discretion of the court. The catch and gear used shall be confiscated.

53.2 It shall likewise be unlawful for any person or corporation to gather, sell or export white sand, silica, pebbles and any other substances which make up any marine habitat.

Pursuant to Section 92 of RA 8550, the person or corporation who violates this provision shall suffer a penalty of two (2) years to ten (5) years imprisonment and a fine of not less than Two Thousand Five Hundred Pesos (P 2,500.00) such fine and imprisonment at the discretion of the court. The substance taken from its marine habitat shall be confiscated.

SECTION 54. FISHING THROUGH EXPLOSIVES, NOXIOUS OR POISONOUS SUBSTANCES, AND/OR ELECTRICITY

54.1 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 municipal waters with the use of electricity, explosives, noxious or poisonous substance which will kill, stupefy, disable or render unconscious fish or fishery species: Provided, that the use of poisonous or noxious substances to eradicate predators in fishponds in accordance with accepted scientific practices and without causing adverse environmental impact in neighboring waters and grounds shall not be construed as illegal fishing.

It will likewise be unlawful for any person, corporation or entity to possess, deal in, sell or any manner dispose of, any fish or fishery species which have been illegally caught, taken or gathered.

The discovery of dynamite, other explosives and chemical compounds which contain combustible elements, or noxious substances, or equipment or device for electric fishing in any fishing vessel or in the possession of any fisherfolk, operator, fishing worker shall constitute a prime facie evidence, that the same was used for fishing in violation of this Ordinance. The discovery in any fishing vessel of fish caught or killed with the used of explosives, noxious or poisonous substances or by electricity shall constitute prima facie evidence that fisherfolk, Operator, boat official or fish worker is fishing with the used thereof.

54.2 Mere possession of explosives, noxious or poisonous substances or electro fishing devices for illegal fishing shall be punishable by imprisonment ranging from six (6) months to two years, pursuant to Section 88.2 of RA 8550.

54.3 Actual use of explosives, noxious or poisonous substances or electro fishing devices for illegal fishing shall be punishable by imprisonment ranging from five (5) years to ten (10) years without prejudice to the filing of separate criminal cases when the use of the same result to injury or loss of human life, pursuant to Section 88.4 of RA 8550.

54.4 Dealing in, selling, or in any manner disposing of, for profit, illegally caught/gathered fisheries species shall be punished by imprisonment ranging from six (6) months to two (2) years, pursuant to Section 88.4 of RA 8550.

54.5 In all cases enumerated above, the explosives, noxious or poisonous substances and/or electrical devices, as well as the fishing vessels, fishing equipment and catch shall be forfeited, pursuant to Section 88.5 of Ra 8550.

SECTION 55. FISHING IN FISHERY RESERVES, REFUGE AND SANCTUARIES

It shall be unlawful to fish in fishery areas declared by the Department of Agriculture as recommended by this municipality as fishery reserve, refuge and sanctuaries.

Pursuant to Section 96 of RA 8550, violation of the provision of this section shall be punished by imprisonment to two (2) years to six (6) years and/or fine of Two Thousand Pesos (P 2,000.000) to Two Thousand Five Hundred Pesos (P 2,500.00) and by forfeiture of the catch and cancellation of fishing permit or license.

SECTION 56. TAKING, CATCHING, SELLING, PROCESSING OR TRNASPORTING GRAVID CRABS AND/OR CRABLETS

It shall be unlawful to take, catch, sell, [process or transport gravid crab and crablets, mud crab and/or blue crab, in this municipality whether dead or alive.

Pursuant to Section 447 of RA 7160, violation of this provision shall be punished by imprisonment for a period not exceeding six (6) months or a fine not exceeding Two Thousand Five Hundred Pesos (P 2,500.00), or both in the discretion of the court.

SECTION 57. CAPTURE OF SABALO AND OTHER BREDDER/SPAWNER

It shall be unlawful for any person to catch, gather, capture or possess mature milkfish or "Sabalo" and such other breeders/spawners of other fishery species as may be determined by the DA-BFAR: Provided, that catching of "Sabalo" and other breeders/spawners for local breeding purposes or scientific or research purposes may be allowed subject to guidelines to be promulgated by the DA-BFAR.

Pursuant to Section 98 of RA 8550, violation of the provision of this section shall be punished by imprisonment of six (6) months and one (1) day to eight (8) years and/or a fine of Two Thousand Five Hundred Pesos (P 2,500.00), and forfeiture of the catch, and fishing equipments used and revocation of license.

SECTION 58. ILLEGAL USE OF SUPERLIGHTS

It shall be unlawful to engage in fishing with the use of superlights in municipal waters or in violation of the rules and regulations which may be promulgated by the DA-BFAR on the use of superlights outside the municipal waters.

Pursuant to Section 93 of RA 8550, violation of this provision shall be punished by imprisonment from six (6) months to two (2) years or a fine of Two Thousand Five Hundred Pesos (P 2,500.00) per superlight, or both such fine and imprisonment at the discretion of the court.

SECTION 59. BAN OF CORAL EXPLOITATION AND EXPORTATION

It shall be unlawful for any person or corporation to gather, possess, sell or export ordinary precious and semi-precious corals, whether raw or in processed form, except for scientific or research purposes.

Pursuant to Section 91 of RA 8550, violation of this provision shall be punished by imprisonment from six (6) months to two (2) years and a fine from Two Thousand Pesos (P 2,000.00) to Two Thousand Five Hundred Pesos (P 2,500.00), or both such fine and imprisonment, at the discretion of the court, and forfeiture of the subject corals, including the vessel and its proper disposition.

Confiscated corals shall either be returned to the sea or donated to schools and museums for educational or scientific purposes or disposed through other means.

SECTION 60. FISHING IN OVERFISHED AREA AND DURING CLOSED SEASON

Upon establishment by the DA-BFAR and this municipality declaring water as overfished area and/or closed season, thus, it shall be unlawful to fish in said areas declared overfished or closed season.

Pursuant to Section 95 of RA 8550, violation of the provision of this section shall be punished by imprisonment of six (6) months and one (1) day to six (6) years and/or fine of Two Thousand Pesos (P 2,000.00) and by forfeiture of the catch and cancellation of the permit or license.

SECTION 61. FISHING OR TAKING OF RARE, THREATENED OR ENDANGERED SPECIES

It shall be unlawful to fish or take rare, threatened or endangered species as listed in the CITES and as determined by DA-BFAR.

Pursuant to Section 97 of RA 8550, violation of the provision of this section shall be punished by imprisonment of twelve (2) years to twenty (3) years and/or fine of Two Thousand Pesos (P 2,000.00) and forfeiture of the catch and the cancellation of fishing permit.

SECTION 62. USE OF MECHANIZED PUSH-NET (SUNGKIT) OR FISH TRAP (TANGAB)

It shall be unlawful for any person to fish with the use of mechanized push net (sungkit) or fish trap (tangab) using the fine mesh net in municipal waters.

Pursuant to Section 447.III of RA 7160, violation of the provision of this section shall be punished by imprisonment for a period not exceeding six(6) months and/or fine not exceeding Two Thousand Five Hundred Pesos (P2,500.00), or both in the discretion of the court. The said fishing gears shall be confiscated and revocation of license.

SECTION 63. USE TUNA DRIFT GILL NET

It shall be unlawful for any person, cooperative, firm or corporation to operate tuna drift gill net (Liting) in catching fish in municipal waters during the spawning period of "SABALO" from December to March, inclusive every year.

Pursuant to Section 98 of RA 8550, violation of the provision of this section shall be punished by imprisonment of six (6) months and one (1) day to eight (8) years and/or fine of Two Thousand Five Hundred Pesos (P2,500.00) and forfeiture of the catch, and fishing equipment uses and revocation of license.

SECTION 64. FISHING WITHIN ESTABLISHED ARTIFICIAL REEF OR FISH SHELTERS

Established artificial reef of fish shelters are hereby declared as restricted areas whereby no fishing shall be allowed within the distance of two hundred (200) meters from the said reefs/shelters: Provided, however, that only exclusive grantee of license of artificial reefs or fish shelters can fish within their respective fish aggregate.

Pursuant to Section 447 of RA 7160, violation of this section shall subject the Boat Captain, the Master Fisherman, or the three (3) highest deck officers of the fishing boat shall be punished of a fine not exceeding Two Thousand Five Hundred Pesos (2,500.00) or an imprisonment of not exceeding six (6) months, or both in the discretion of the court. The fishing license shall be revoke.

SECTION 65. ILLEGAL CONSTRUCTION AND OPERATION OF FISH CORALS/TRAPS, FISH PENS AND FISH CAGES

It shall be unlawful to construct and operate fish corals/traps, fish pens and fish cages without a license/permit. Likewise, it is unlawful to construct the same outside the designated zones, and within a distance of two hundred (200) meters of another fish coral or one hundred (100) meters in freshwater unless they belong to the same licensee or grantee, but in no case less than sixty (60) meters apart except in waters less than two (2) fathoms at low tide.

Pursuant to Section 447.III of RA 7160, violation of this provision shall, subject the offender to a fine not exceeding Two Thousand Pesos (P2,000.00) and/or imprisonment of not exceeding six (6) months or both in the discretion of the court. Also, cancellation of license/permit, if any, and dismantling of the illegally constructed structures at his own expense and confiscation of the same.

SECTION 66. ILLEGAL SUB-LEASE, TRANSFER OF RIGHTS, QUITCLAIMS, WAIVER OR RIGHTS, ETC.

Licenses/permits shall not be transferred by lease or mortgage. The Licensee/permittee shall not sub-lease a fishery farm lot under license of any part thereof. He may however, transfer his rights and interest over the farm lot in accordance to Section 30, hereof.

Any violation of this section shall constitute ground for the cancellation of lease agreement, confiscation of existing improvements, and the disqualification of subsequent application by the same person, organization/cooperative, firm or corporation.

SECTION 67. AQUATIC POLLUTION

Aquatic pollution as defined in this ordinance shall be unlawful.

Pursuant to Section 102 of RA 8550, violation of the provision of this section shall punished by imprisonment of six (6) years and one (1) day to twelve (12) years and/or fine of Two Thousand Pesos (P 2,000.00) per day until such violation ceases and fines are paid.

SECTION 68. TRANSFER OF OWNERSHIP OF FISHING BOAT

The owner/operator and/or transferee of a registered fishing boat who fails to notify the Office of the Municipal Agriculture Officer of the transfer of ownership, sale of the fishing boat to another person within fifteen (15) days after such transfer or sale shall be fined an amount not exceeding Two Thousand Pesos (P2,000.00).

SECTION 69. OTHER VIOLATIONS

a. Failure to Comply with Minimum Safety Standards

The owner and boat captain of a fishing boat engaged in fishing who upon demand by proper authorities, fails to exhibit or show proof of compliance with the safety standards provided by RA 8550, shall be immediately prevented from continuing with his fishing activity and escorted to the nearest point or landing point. The license to operate the fishing boat shall be suspended until the safety standard has been complied with.

b. Failure to Conduct a Yearly Report

The FLA holder/licensee/permittee who fails to render a yearly report shall be immediately cancelled: Provided, that if the offender be the owner of the fishpond, fish pen or fish cage, he shall be subjected to the following penalties pursuant to RA 8550: (1) first offense, a fine of Five Hundred Pesos (P500.00) per unreported hectare; (2) subsequent offenses, a fine of One Thousand Pesos (P 1,000.00) per unreported hectare.

c. Gathering and Marketing of Shell Fishes

It shall be unlawful for any person to take, sell, transfer, or have any possession for any purpose any shell fish from the municipal waters of this municipality which is sexually mature or below the minimum size or above the maximum quantities prescribed for the particular species and/or have been declared contaminated with RED TIDE TOXINS by the DA-BFAR.

d. Obstruction to Navigation or Flow and Ebb of tide in any Stream, River, Lake or Bay. It shall be unlawful for any person who causes obstruction to navigation or flow of ebb of tide, example Azar & Bukatot.

Pursuant to Section 103 of RA 8550, subject to the provision of the subparagraph (b) of this section, violation of the above-enumerated prohibited acts shall subject the offender to a fine ranging from Two Thousand Pesos (P 2,000.00) to Two Thousand Five Pesos (P2,500.00) or imprisonment from one (1) month and one (1) day to six (6) months, or both such fine and imprisonment, upon the discretion of the court: Provided, that the Secretary of DA is hereby empowered to impose upon the offender an administrative fine of not more than Two Thousand Pesos (P 2,000.00) to cancel his license or permit, or to impound with the assistance of the Philippine Coast Guard, PNP-Maritime Command: Provided, finally, that any person who unlawfully obstructs or delays the inspection and/or movement of fish and fishery/aquatic products when such inspection and/or movement is authorized under RA 8550, shall be subject to a fine of not more than two (2) years, or both such fine and imprisonment, upon the discretion of the Court. Every penalty imposed for the commission of an offense shall carry with it the forfeiture of the proceeds of such offense and the instruments or tools with which it was committed.

Such proceeds and instrument or tools shall be confiscated and forfeited in favor of the Government, unless they be the property of a third person not liable for the offense, but those articles which are not subject of lawful commerce shall be destroyed.

SECTION 70. OBSTRUCTION TO FISHERY LAW ENFORCEMENT OFFICERS

Pursuant to Section 106 of RA 8550, the boat owner, master or operator or any person acting on his behalf of any fishing boats who evades, obstruct or hinder any fishery law enforcement officer of the Department of Agriculture to perform his duty, shall be fined Two Thousand Pesos (P 2,000.00), in addition, the registration, permit, and/or license or the vessel including the license of the master fisherman shall be cancelled.

The boat owner, master or operator or any person acting on his behalf of any fishing boat who evades, obstruct or hinder any fishery law enforcement officers/s of this municipality duly deputized by the Municipal Mayor to perform his duty, shall be fine not exceeding Two Thousand Five Hundred Pesos (P2,500.00) in addition, the license/permit of the vessel and the license issued to the master fisherman shall be cancelled.

CHAPTER VII

GENERAL PROVISIONS

SECTION 71. FISHERFOLK SETTLEMENT AREAS

The municipality shall establish and create fisherfolk settlement areas in coordination with the concerned agencies of the government, where certain areas of the public domain, specifically near the fishing grounds, shall be reserved for the settlement of the municipal fisherfolk. Nothing in this section shall be construed to vest ownership are to a municipal fisherfolk for whom said areas may have been reserved for or had been actually granted to.

SECTION 72. FISHERFOLK FISHERIES GRANT FUND

For the development, management and conservation of the municipal resources, there is hereby created a Fishery Grant Fund to finance projects of the municipality primarily for the upliftment of the municipal fisherfolk. A twenty percent (20%) from the Development Fund of the IRA is hereby appropriated to support the Grant Fund.

For the purpose, the municipality may seek financial assistance from any source and may receive any donations therefore.

SECTION 73. EDUCATIONAL CAMPAIGN

The municipality through barangays shall launch and pursue an education campaign to:

- a. Help realize the policies and implement the provisions of this Ordinance and Fisheries Code of 1998.
- b. Promote the development, management, conservation and proper use of the environment;
- c. Promote the principle of sustainable development; and
- d. Promote the development of truly Filipino-oriented fishing and ancillary industries.

SECTION 74. CHARTING OF NAVIGATIONAL LANES AND DELENEATION OF MUNICIPAL WATERS

The municipality shall authorize the Municipal Engineer Office in coordination with NAMRIA and DA-BFAR for the designation and charting of navigational lanes in fishery areas and delineation of municipal waters.

SECTION 75. PERSONS AND DEPUTIES AUTHORIZED TO ENFORCE THIS ORDINANCE

The law enforcement officers of DA-BFAR (Wish Warden), the Philippine Coast Guard, PNP-Maritime Command, and duly deputized law enforcement officers of this municipality are hereby authorized to enforce this Ordinance, RA 8550 and other fishery laws, rules and regulations. Other competent government officials and employees, punong barangays and officers and members of fisherfolk associations who have undergone training on law enforcement may be designated in writing by DA-BFAR as deputy fish wardens in the enforcement of this ordinance and other fishery laws, rules and regulations.

SECTION 77. USE AND DISPOSAL OF FORFEITED PROPERTY

Whenever forfeiture of property is imposed, such property or proceeds from the sale thereof shall go to the trust fund of the municipality for its use of the coastal resource development purposes.

Fish found caught with the use of explosive, noxious substance or banned gears/devices shall immediately be seized/confiscated, and endorsed to the Municipal Agriculture Office and fit for human consumption shall be donated to penal institutions such as the municipal jail, or to charitable institutions such as hospitals, house of charities, orphanages or home of the aged or indigents.

CHAPTER VIII

REPEALING, SEPARABILITY AND EFFECTIVITY CLAUSES

SECTION 78. REPEALING CLAUSE

All previous ordinances, rules and regulations or parts thereof which are inconsistent with this ordinance are hereby repealed or modified accordingly.

SECTION 79. SEPARABILITY CLAUSE

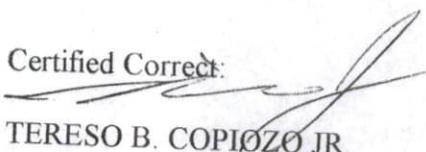
If for any reason or reasons any portion or provision of this Ordinance is declared unconstitutional or invalid, the other portions or provisions hereof which are not affected, thereby, shall continue to be in full force and effect.

SECTION 80. EFFECTIVITY

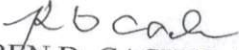
This Ordinance shall take effect ten (10) days after a copy thereof is posted in a bulletin board at the entrance and in at least two (2) other conspicuous places of the municipal building and the main features thereof has been published one in a local newspapers of general circulation within the municipality.

ENACTED.

Certified Correct:

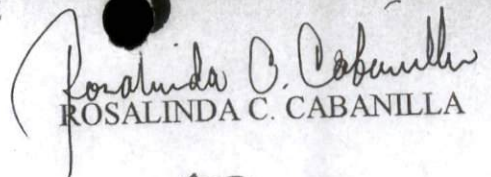

TERESO B. COPIOZO JR.
Vice Mayor/Presiding Officer

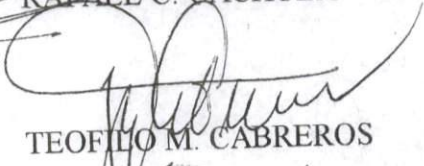
Attested:


RUBEN D. CACHOLA
SB Secretary

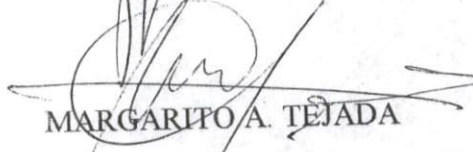
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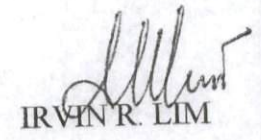

RAFAEL C. CACHOLA

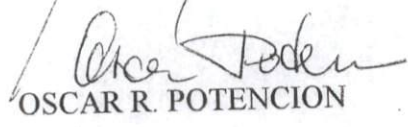

ROSALINDA C. CABANILLA

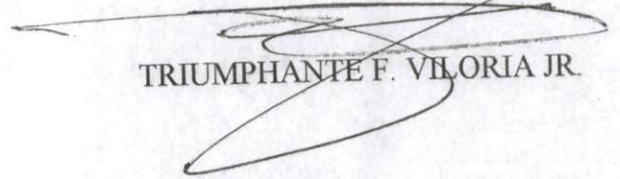

TEOFILO M. CABRERROS

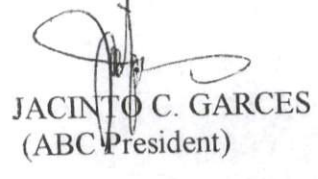

EMMA J. CABOTAGE

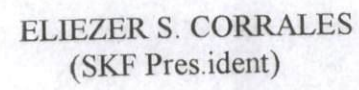

MARGARITO A. TEJADA


IRVIN R. LIM

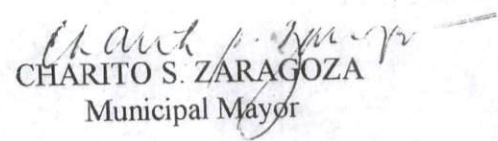

OSCAR R. POTENCION


TRIUMPHANTE F. VILORIA JR.


JACINTO C. GARCES
(ABC President)


ELIEZER S. CORRALES
(SKF Pres.ident)

Approved:


CHARITO S. ZARAGOZA
Municipal Mayor