

Excerpt from the

MINUTES OF THE 42ND REGULAR SESSION OF THE SANGGUNIAN PAMBAYAN OF BAYBAY, LEYTE HELD IN BRGY. IMELDA, BAYBAY, LEYTE ON OCTOBER 19, 1999.

MUNICIPAL ORDINANCE NO. 003-1999

AN ORDINANCE REVISING ORDINANCE NO. 007 SERIES OF 1993 REGULATING FISHING AND/OR FISHERY PRIVILEGES IN THE MUNICIPALITY OF BAYBAY, PROVINCE OF LEYTE AND FOR OTHER PURPOSES.

INTRODUCED & SPONSORED BY: D. E. PERNITEZ, E.R. OMPOY, & E. A. GUINOCOR:

WHEREAS, Municipal Basic Fishery Ordinance No. 003-s 93 was based on P.D. 704 which has already been amended and repealed by R.A. 8550;

WHEREAS, RA 8550, known as Fisheries Code of 1998 provides the integration of all laws pertinent to the development, management and conservation of the fisheries and aquatic resources;

WHEREAS, RA 7160 and RA 8550 mandated the local government unit of cities/municipalities to formulate a basic fisheries ordinance that adheres to the welfare of municipal fisherfolks.

RESOLVED, as it is hereby RESOLVE, that the following municipal ordinance be, as hereby is, adopted to wit:

AN ORDINANCE

REVISING ORDINANCE NO. 007 SERIES OF 1993 REGULATING FISHING AND/OR FISHERY PRIVILEGES IN THE MUNICIPALITY OF BAYBAY, PROVINCE OF LEYTE AND FOR OTHER PURPOSES.

Be it ordained by the Sangguniang Pambayan of the Municipality of Baybay, Province of Leyte, in session assembled, that:

Section 1. This ordinance shall be known and cited as the 1999 Basic Fishery Ordinance of this municipality, and shall be enforced in conjunction with the laws, decrees, orders and regulations on fishing and/or fisheries already promulgated or that may later be promulgated regarding the matter.

Section 2. Definition of Terms. - For the purpose of this ordinance the following terms shall mean:

1. Aquatic Resources - include fish, all other aquatic flora and fauna and other living resources of the aquatic environment, including but not limited to salt and corals.

2. Balirong, Palubas, Amatong - refer to a fishing method constructed in shore line using corals, stones, fine mesh nets and etc. use to intercept fish species.

3. 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 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 isobath to include coral reef, algal flats, sea grass beds and other soft bottom area.

4. Commercial F/B or vessels - a wooden, metal or ferrocement-hulled boat used in fishing whose tonnage is more than 3 GT. Under this ordinance there are two categories of commercial fishing boat/vessel:

4.1) Small scale commercial F/B - whose tonnage ranges from 3.1 to 20 GT

4.2) Medium-scale commercial F/B-whose tonnage ranges from 20.1 to 50 GT

5.) Electric-fishing- means the use of electricity generated by batteries, electric generator and other sources of electric power to kill stupefy, disabled or render unconscious fish and fishery species in both fresh and salt water areas.

6.) Endangered, Rare and/or Threatened Species- aquatic plants, animals, including some varieties of corals and sea shells endanger of extinction as provided for in existing fishery laws, rules and regulation or in protected areas and wild life.

7.) Fine Meshed Nets- means all nets with mesh size of less than three centimeters (3 cm) measured between two (2) opposite knots of a full mesh when stretched or as otherwise determined by the appropriate agency.

8.) Fishing-the taking of fishery species from their wild state of habitat, with or without the use of fishing vessel.

9.) Fish Aggregating Device (FAD) "PAYAW"- means a fish aggregating device consisting of floating raft/material helds together anchored with suspended materials such as buri/coconut palm as shade to attract school of fish being erected in deep marine waters.

10.) Fish Coral and Baklad- a stationary meir or traps device to intercept and capture fish consisting of rows of bamboo stakes, plastic nets and other materials fenced with split bamboo matting or plastic wire matting with one or more enclosure usually with easy fish to the catching chambers, purse or bags.

11.) Fish Fingerlings- a stage in the life cycle of the fish measuring to about 6-13 cm. depending on the species.

12.) Fish Fry- stage of fish which has just been hatched usually with sizes 1-2.5 cm.

13.) Fishery Ordinance- this municipal basic fishery ordinance.

14.) Fishing Permit- a fishing privilege to operate specific type of fishing boat/gear for specific duration in areas within municipal waters.

15.) Fishing Vessel/Gear Permit - a permit issued to operate specific type of vessel/gear for specific period with in the minicipal waters for demersal of pelagic fishery resources.

16.) Fishing With Noxious or Poisonous Substances - the use of any substances, 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 altering the natural habitat.

17.) Fishing With Use of Explosive - means use of dynamite, other explosives and other chemical compounds that contains combusitible elements or ingredients which upon ignition by friction, concussion, percussion or detonation of all or parts of the compound, will kill stupefy, disable or render unconscious any fishery species. It shall also refer to the use of any other substance and/or device which cause an explosion that is capable of producing the said harmful effects on any fishery species and aquattic resources and capable of damaging and altering the natural habitat.

18.) Hokah Fishing (buso)- refer to a spear of fishing or gathering of fishery product compressor that provides air under water by connecting the hose from the compressor to the mouth of the fishermen.

19.) Hulbot-Hulbot/Libaliba(Lurabia/Holahop/Palusot,Patangko)- refers to a fishing gear consisting of conical shaped net with pair of wings the end of which are connected to the two ropes with buri,plastic stips of any similar materials to serve as scaring/herding device with hauling rope passing through a metallic ring permanently attached to a weight (lingote) when hauled into the fishing boat.

20.) Kayakas- means local version of the muro-ami but smaller is size using bamboo /trunk of trees as scare devices aside from coconut or other leaves, or materials use as s c areliness to drive the fishout from the coral reef.

21.) License- right formally granted in writing by an authority either commercial, foreshore, gratuitous and special permit under the ordinance.

22.) Licensee/Permittee- person or group of person (e.g. assoc.,corp.,coop.) who possessed a grant/permit or which licensed is granted to operate fishing activity or use of fishing gear duly approved under R.A. 8550 and in this municipal ordinance.

23.) Light Boat/Fishing Boat- all boats such as bancas, sailboats, motorboats or any type of watercraft used for fishing and transporting the fish from the fishing ground to the fish port or any fish port or to any fish landing point.

24.) Marginal Fisherman- refers to an individual engaged in the subsistence fishing which shall be limited to the sale, barter or exchange of marine products produced by himself and his immediate family.

25.) MFARMC- means Municipal Fisheries and Aquatic Resources Management Council.

26.) Municipal F/B- a boat used in fishing, irregardless of materials used in construction and with or without outriggers, of 3 GT or less.

27.) Municipality- refers to the municipality of Baybay, Province of Leyte.

28.) Municipal Water - include not only streams, lakes, inland bodies of water and tidal waters within the municipality which are not included within the protected areas as defined under Republic Act. 7585 (The NIPAS Law), public forest, timber lands, forest reserves or fishery reserves, but also marine waters included between two (2) lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline including offshore islands and fifteen (15) kilometers from such coastline. Where two (2) municipalities are so situated on opposite shores that there is less than thirty (30) kilometers of marine waters between them, the third line shall be equally distant from opposite shore of the respective municipalities.

29.) Muro-Ami (drive in net) Paaling/lintig, Kayakas- means a fishing gear used in reef fishing which consist of movable net and two detachable wings affecting the capture of fish by spreading the net that forms around the reefs or schools with the aid of scanning device (line with weights and scanning materials) that destroy the coral reef towards the bag portion of the net.

30.) Pantukos- a system of fishing which is operated with the use of lighted torches (waswas) and/or use of kerosine, crude oil, gasoline or any flammable substance poured in the water and ignited to scare and drive the fish towards the net or gear.

31.) Superlight - also called magic light is a type of light using halogen or metal halide bulb which maybe located above the sea surface or submerged in the water. It consist of ballast, regulator, electronic cable and socket. The source of energy comes from the generator, battery or dunamo coupled with the main engine.

32.) Trawl - An active fishing gear consisting of a bag shaped net with or without other 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.)

Section 3. Person eligible for fishing and/or fishery privileges.

The following are under this ordinance, eligible for fishing and or fishery privileges in municipal waters.

- 1) Citizen of the Philippines.
- 2) Registered municipal fisherfolks of Baybay (First Priority)
- 3) Cooperatives, partnerships, associations or corporations duly registered or incorporated under the laws of the Philippines and authorized to transact business in the Philippines and at least sixty(60) percentum of whose capital stock belongs wholly to citizens of the Philippines.

4) Registered municipal fisherfolks of other municipality will be treated as second priority.

Section 4. - Registry of Municipal Fisherfolks and Fishing Gear.

Municipal fishermen/fisherfolks and fishermen association, cooperative and corporation including the fishing gear used should be registered under the Registry of Municipal Fisherfolks which would serve as identification of priority to fish within municipal waters of Baybay. Registration however, is not equivalent to a permit to engage any fishing operation using any type of gear.

Section 5. License, Permit, Fishery Grant:

- 1) It shall be unlawful for any person, cooperative, partnership, association or corporation to take, catch or gather aquatic products by means of nets, traps and other fishing gears in municipal water of this municipality or by means of fishing boats or commercial vessels medium scales (3. IGT to 20 GT), 3 tons gross or less, unless provided with the necessary license/permit issued for the purpose by the Municipal Mayor of Baybay upon the recommendation of the Municipal Fisheries and Aquatic Resources Management Council (FARMC) through its authorized representative.
- 2) It shall likewise be illegal for any person, cooperative, partnership, association or corporation to operate Fish Aggregating Device FAD (PAYAW) fish corals, fish pens oyster, mussels, and aquatic products culture beds or take or catch "bangus" fry or fry of other species for propagation within the jurisdiction of this municipality without first securing a municipal fishery permit as provided for in this ordinance and other fishery laws.

Section 6. It shall be unlawful for persons, cooperatives, partnership, association or corporation not qualified by the law and in this ordinance to engage personally or through other person in fishing, catching or collecting aquatic in the municipal waters within the jurisdiction of this municipality.

Section 7. Exclusive Fishing Privileges.

The application for exclusive fishery privileges should be submitted to the MFARMC who shall determined evaluate and may recommend to the Sangguniang Bayan for approval to which license/permit should not prejudice public interest and that the area for which application lease has been presented is not covered by any subsisting laws.

- 1) That fishing privileges shall only apply to fish corals, oyster culture beds, commercial fish pens, cages, catching of bangus fry or fry of other fish species and commercial fish pond. Duly registered organizations and cooperatives of marginal fisherfolks shall have preferential rights to such privileges. In the absence of duly registered organization or cooperatives of marginal fisherfolks or their failure to exercise the preferential rights, other parties and registered fisherfolks may qualify to the privileges of this ordinance.
- 2) That when the national government so requires, the President of the Philippines may review, amend, modify, rescind or revoke in whole or part thereof any such contracts, concession, license, permit, leases or similar privileges or any condition or provision therein;

3) That upon the recommendation of the government agency or instrumentality concerned with the administration of any such concession, license, permit, lease or similar privilege, the President may pending the conduct of appropriate hearing, summarily suspend and order the cessation, license, permit lease or similar privilege for violation of any condition prescribed in duly approved rules and regulations of the administering government agency or instrumentality.

Section 8. Issuance of individual License - individual permits/licenses shall be granted for the privilege of erecting fish corals, operation "Sugpo" fry, erecting fish aggregating device (FAD) "Payaw" and they like within definite area or portion of the municipal waters and other fishing activity listed below upon the recommendation of the Municipal fisheries and Aquatic Resources Management Council (MFARMC) duly approved by the Municipal Mayor which payment of license/permit fees therefore, at the rates fixed here under.

1. Fish Corals

250 sq. meter and below	300.00
251 to 750 sq. meters	400.00
751 to 1,000 sq. meters	500.00
1,000 sq. meters and above	700.00

2. Catching of Bangus/Sugpo fry "kawag-kawag"..... 150.00/unit

3. Oyster/Culture beds/aquatic products

200 sq. meters and below	150.00
201 to 400 sq. meters	250.00
401 to 600 sq. meters	400.00
601 to 1,000 sq. meters	600.00
Above 1,000 sq. meters	750.00

4. Fish pens/cages 100.00/20m

5. Fish Aggregating Device (FAD) "Payaw"..... 50.00/unit

6. Fish Pond

2,500 to 5,000 sq. meters	150.00
5,001 to 10,000 sq. meters	250.00
Above 10,000 sq. meters	350.00/ha.

7. Fishermen Using Nets

a) Gill Net (bottom net & surfacing gill net)

1. Pante	150.00
2. Palubog.....	150.00
3. Palaran	150.00
4. Paanod	150.00
5. Taan, tunlo	150.00
6. Panglambay	150.00
7. Pangbalo/Suasid	150.00
8. Pamo	150.00