



Office of the Sangguniang Panlungsod

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5TH SANGGUNIANG PANLUNGSOD

CITY ORDINANCE NO. 28, S-2021

“AN ORDINANCE ESTABLISHING THE “BANTAY-DAGAT” ENFORCEMENT FORCE AND PROVIDING FUNDS THEREOF”

Sponsored by: Hon. Romulo B. Alcala and Hon. Philip L. Siu

EXPLANATORY NOTE

WHEREAS, the Philippine Constitution protects and advances the rights of the people to a balanced and healthy ecology in accord with the rhythm and harmony of nature;

WHEREAS, the Local Government Code of 1991 has devolved the management of the municipal waters and its coastal and fisheries resources to the City Government;

WHEREAS, Republic Act 8550, otherwise known as the Philippine Fisheries Code of 1998 as amended by RA 10654, provides that the City Government shall have jurisdiction over municipal waters as defined in the Code. The City Government, in consultation with the Fisheries and Aquatic Resources Management Council, shall be responsible for the development, conservation, protection, rehabilitation, utilization, disposition and management of its marine waters and coastal resources therein;

WHEREAS, the Philippine Fisheries Code of 1998 also mandates the City Government to enact appropriate ordinances for the foregoing purposes;

WHEREAS, the Local Government Unit in coordination with the Bureau of Fisheries and Aquatic Resources, is authorized to deputize fisher folks as Deputy Fish Wardens, locally known as “Bantay Dagat”;

WHEREFORE, on motion, of Honorable Romulo B. Alcala, SP Chair on Agriculture, and duly seconded by Honorable Philip L. Siu, President of the LIGA Ng Mga Barangay, Ex-Officio SP Member,

BE IT ORDAINED, by the Sangguniang Panlungsod, City of Baybay in its 42nd Regular Session assembled on October 28, 2021, an ordinance is hereby adopted, to wit:

“AN ORDINANCE ESTABLISHING THE “BANTAY-DAGAT” ENFORCEMENT FORCE AND PROVIDING FUNDS THEREOF*.”

ARTICLE I

This ordinance shall be known as **“AN ORDINANCE ESTABLISHING THE “BANTAY-DAGAT” ENFORCEMENT FORCE AND PROVIDING FUNDS THEREOF”**, or briefly known as **THE BANTAY DAGAT ORDINANCE**.

ARTICLE II

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

1. **BFAR**- Bureau of Fisheries and Aquatic Resources;
2. **BFARMC** – Barangay Fisheries and Aquatic Management Council;
3. **CFARMC** – City Fisheries and Aquatic Resources Management Council;
4. **CRFMO** – Coastal Resources and Fishery Management Office;
5. **FARMC** – Fisheries and Aquatic Management Council;
6. **Fish warden/Bantay Dagat** - is a community-based law enforcement program that engages fisherfolks in coastal barangays to support the detection and enforcement of fishery laws and ordinances in the coastal waters;
7. **Fisherfolks** – individuals who are directly or personally engage in taking, culturing and processing fishery resources;
8. **Municipal waters** - include not only streams, lakes, inland bodies of water, tidal waters within the city 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 city touch the sea at low tide and a third line parallel with the general coastline including offshore islands and 15 kilometers from such coastline.

ARTICLE III CREATION OF BANTAY DAGAT OFFICE

SECTION 1. CREATION OF OFFICE. There shall be created an Office of Bantay Dagat in every coastal barangay of the City. The physical structure of the office shall be known as “outpost” and the construction cost shall be shouldered by the city government;

SECTION 2. APPOINTMENT OF BANTAY DAGAT ENFORCERS. The BFARMC, upon recommendation by the CFARMC, shall appoint the members of Bantay Dagat Enforcement Force which shall not be more than 5 but not less than 2 in every coastal barangay. Members eligible for appointment shall be a resident of the barangay and shall not be barangay official or appointee.

ARTICLE IV QUALIFICATIONS OF THE BANTAY DAGAT ENFORCERS

SECTION 1. QUALIFICATIONS OF BANTAY DAGAT- Any person seeking appointment as Bantay Dagat enforcer must possess the following qualifications:

- a. He must be a Filipino citizen and a registered fisherfolk of the City;
- b. He must not be less than twenty-one (21) years but not more than sixty (60) years of age;
- c. He must have no criminal record involving offenses/violations of the Fisheries Code and related environmental laws;
- d. He must have completely undergone the Fishery Law Enforcement Training for Deputy Fish Wardens;

- e. He must have experienced in coastal and fisheries management activities for a least three (3) years.

SECTION 2. PRIMARY FUNCTIONS OF A BANTAY DAGAT ENFORCERS

- a. Enforce, assist and cooperate in the implementation of all fishery laws and ordinance in the City;
- b. Conduct regular patrol over the sea and coastal area of the city;
- c. Apprehend violators of the fishery laws and ordinances;
- d. Report acts of illegal fishing to CRFMO, PNP, PCG and other enforcement agencies for appropriate action;
- e. Record all data gathered on illegal fishing vessels entering the municipal waters;
- f. Assist other law enforcement group in the conduct of sea-borne operations;
- g. Assist in the conduct of rescue operations within the territorial seas;
- h. Coordinate with the CFARMC in raising the level of community awareness with regards to coastal protection and fisheries management.
- i. Assist in the prosecution of violators of all fishery laws and ordinances including execution of affidavits and appearances in court proceedings.

SECTION 3. MANDATORY TRAININGS AND SEMINARS. For the effective enforcement of this ordinance and other fishery laws, the Bantay Dagat enforcers shall undergo compulsory trainings and seminars on all related maritime and fishery laws and ordinances. Failure of members to attend the training and seminars shall not entitle them to receive the benefits and incentives as provided in this ordinance;

SECTION 4. DEPUTIZED LAW ENFORCER. All appointed Bantay Dagat enforcers are hereby deputized to enforce all fisheries and maritime laws and ordinances with the territorial jurisdiction of the City.

ARTICLE V BENEFITS AND INCENTIVES OF BANTAY DAGAT

SECTION 1. BENEFITS AND INCENTIVES – in recognition of their service, all accredited Bantay Dagat enforcers who are actively and regularly performing their duties shall be entitled to the following incentives and benefits:

- a. Allowance- Each Bantay Dagat enforcer shall be entitled to an allowance amounting to Two Thousand Five Hundred Pesos (Php 2,500.00) per quarter.
- b. Insurance Coverage- Each Bantay Dagat enforcer shall be entitled to an annual accident insurance upon deputation by the City Mayor.
- c. Training, Education and Career Enrichment Programs – the city government, in coordination with BFAR and other government agencies and non-government organizations, shall provide opportunities to accredited Bantay Dagat enforcers for the following:
 - 1) Continuing education, study and exposure tour, training, grants, field immersion and the like;
 - 2) Special training programs such as those on paralegal education, case documentation, evidence gathering and preservation, and operations of special gadgets or equipment for effective and efficient coastal and fisheries law enforcement; and
 - 3) Free legal services and representation through the City Legal Officer and/or Public Attorney's Office in cases of coercion, interference, and in other civil and criminal cases filed by or against Bantay Dagat enforcers arising out of or in connection with the performance of their duties.

**ARTICLE VI
FINAL PROVISIONS**

SECTION 1. LIABILITIES OF A BANTAY DAGAT ENFORCER. Any member of Bantay Dagat caught in the act of doing or in conniving illegal activities against any fishery laws and ordinances shall be punished by termination. The Special Order (SO) issued by the City Mayor shall also be revoked upon termination.

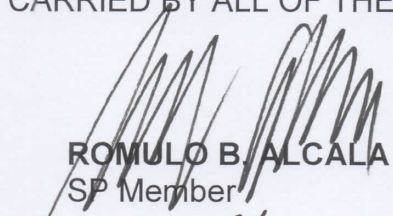
SECTION 2. SEPARABILITY CLAUSE. The provisions of this Ordinance are hereby declared separable and if one or more provisions are held invalid, or unconstitutional, the remaining provisions hereof are not affected and shall remain valid and in full force and effect.


SECTION 3. REPEALING CLAUSE. All ordinances, rules and regulations, or parts thereof, the provision of which are in conflict with or contrary to, the provision of this Ordinance are hereby repealed, amended and modified accordingly.

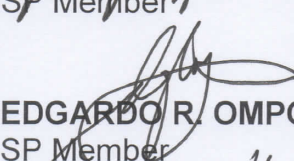
SECTION 4. EFFECTIVITY CLAUSE. This Ordinance shall take effect 15 days upon its approval by the Sangguniang Panlalawigan and after due compliance with all the requirements as provided for under R.A. 7160, otherwise known as the Local Government Code of 1991.

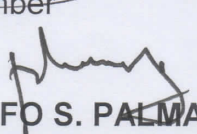
Enacted: October 28, 2021
Baybay City, Leyte, Philippines.

CARRIED BY ALL OF THE MEMBERS PRESENT:

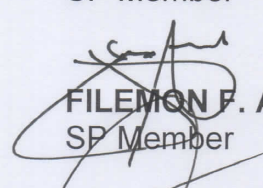

ROMULO B. ALCALA
SP Member


DR. FULTON IKE C. ARRADAZA
SP Member

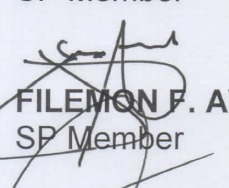

EDGARDO R. OMPOY
SP Member

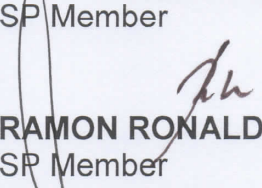

RODULFO S. PALMA, JR.
SP Member


ARTURO ELISA O. ASTORGA
SP Member

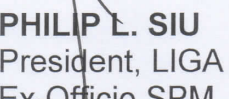

FILEMON F. AVILA
SP Member

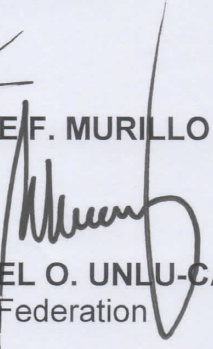

ATTY. JOSE ROMMEL A. PENARANDA
SP Member


JORGE V. REBUCAS
SP Member


RAMON RONALD J. VELOSO
SP Member


DOMINIC JUNIE F. MURILLO
SP Member


PHILIP L. SIU
President, LIGA Ng Mga Barangay
Ex-Officio SPM

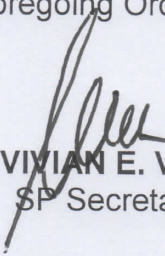

MARK MICHAEL O. UNLU-CAY
SK Chair, City Federation
Ex-Officio SPM

RESOLVED FURTHER, that certified copies of this ORDINANCE be furnished to the City Mayor Honorable Jose Carlos L. Cari, City Administrator Deogracias E. Pernitez; City Legal Officer, Atty. Avito C. Cahig, Jr.; City Budget Officer, Raul Mabini; City

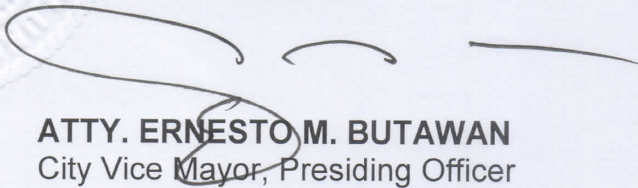
Accountant Jay Ryan Austero; City Treasurer Alberta A. Manatad, CLGOO Juvy C. Pedrera, and to all other offices/agencies/entities concerned for their information, guidance and appropriate action.

I HEREBY CERTIFY to the correctness of the foregoing Ordinance.




ATTY. VIVIAN E. VIDALLON
SP Secretary

Attested & Certified True & Correct:


ATTY. ERNESTO M. BUTAWAN
City Vice Mayor, Presiding Officer

Approved by His Honor:


ENGR. JOSE CARLOS L. CARI
City Mayor

Date Approved: _____

11/11/21