



Republic of the Philippines
REGION IX
PROVINCE OF ZAMBOANGA DEL SUR
Municipality of Tungawan



OFFICE OF THE SANGGUNIANG BAYAN

GENERAL ORDINANCE NO. 13-95

AN ORDINANCE REGULATING FISHING AND ADOPTION OF FISHERY REGULATORY FUNCTIONS DEVOLVED UNDER THE PROVISIONS OF THE MEMORANDUM OF AGREEMENT SIGNED ON APRIL 4, 1994 BY DEPARTMENT OF AGRICULTURE AND DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT SECRETARIES, IN THE MUNICIPAL WATERS OF TUNGAWAN, ZAMBOANGA DEL SUR:

SPONSORED BY: HON. LORETO F. CARACOL, SR.

BE IT ORDAINED BY THE SANGGUNIANG BAYAN OF TUNGAWAN, ZAMBOANGA DEL SUR, IN SESSION ASSEMBLED, THAT:

Article 1- GENERAL PROVISIONS

Section 1. TITLE - This Ordinance shall be known as: AN ORDINANCE REGULATING FISHING AND ADOPTION OF FISHERY REGULATORY FUNCTIONS DEVOLVED UNDER THE PROVISIONS OF THE MEMORANDUM OF AGREEMENT SIGNED ON APRIL 5, 1994 BY DA AND DILG SECRETARIES, IN THE MUNICIPAL WATERS OF TUNGAWAN, ZAMBOANGA DEL SUR.

Section 2. MUNICIPAL WATERS.- For the purpose of this ordinance, the word "Municipal waters", generally refers to streams, lakes, tidal and marine waters not being the subject of private ownership and not comprised within national parks, public forest, timber lands, forest reserves or fishery reserves within the jurisdiction of the municipality.

Section 3. The Local Chief Executive, as mandated by law, shall exercise general supervision and control over the management of the aquatic resources and the productive enforcement of fishery laws including the conservation of mangroves, the protection of marine environment and imposition of appropriate penalties for acts which endanger the environment such as dynamite fishing and other activities which result in population or ecological imbalance, within the municipal waters.

Section 4. ELIGIBILITY OF FISHING AND FISHERY PRIVILEGES.- The following are, under this Ordinance, eligible for fishing and or fishery privileges:

- a. Citizens of the Philippines
- b. 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 per centum (60%) of whose capital stock belongs wholly to citizens of the Philippines.

Section 5. DIVISION AND CLASSIFICATION OF MUNICIPAL WATERS- The Municipal waters shall be divided and classified as follows:

- a. Zone 1 - Bangus or Kawag-Kawag 600 has.
- b. Zone 2 - Agar-Agar Culture 400 has.
- c. Zone 3 - Catching of fry and other species. 500 has.
- d. Zone 4 - Oyster and Mussel Culture 400 has.
- e. Zone 5.- Fish Sanctuary 400 has.
- f. Zone 6- Fish Corrals 500 has.
- g. Zone 7- Fish Culture Lapu-Lapu 250 has.

Wilfredo C. Tayag
Municipal Mayor

Arsenio F. Climaco
Mun. Vice Mayor

Antonio G. Villanovazo
Secretary



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h. Zone 8 Marine Fishing 12,186 has.
 Total 15,236 has.

Section 6. GOVERNMENT FISH SANCTUARY RESERVATION - The Sangguniang Bayan hereby set aside or declare Zone 5 of the Division and Classification of Municipal Waters, comprising 400 hectares in the coastline of Barangay Linguisan, this Municipality, as Government Fish Sanctuary Reservation under the supervision of the Municipal Agriculture Office.

Article 2 - PROVISIONS FOR IMPLEMENTATION

Section 7. GRANTING OF EXCLUSIVE FISHERY PRIVILEGES - The Sangguniang Bayan may grant exclusive fishery privileges to operate fish corrals, oyster, mussel or other aquatic beds, to gather or catch bangus fry, prawn fry or fry of other species of fish, to establish agar-agar or seaweeds farms and to operate fish and pearl culture within a definite zone of the municipal waters. Provided, however, that duly registered organizations and cooperatives or marginal fishermen shall have the preferential right to such privilege; Provided, further, that the Sangguniang Bayan shall require a public bidding in conformity with and pursuant to this ordinance; Provided, finally, that in the absence of such organizations and cooperatives or the failure to exercise their preferential rights, other parties may participate in the public bidding in conformity of the standing rules and procedures.

Section 8. CONTRACT OF LEASE- The Sangguniang Bayan may grant Contract of Lease to the highest qualified bidder to exercise exclusive fishery privileges as provided for in Section 7 for a period not exceeding five (5) years; provided, that these grants shall be under such condition as prescribed by the Department of Environment and Natural Resources.

Section 9. ISSUANCE OF INDIVIDUAL LICENSE IN CASE NO BIDDER OPT TO LEASE FISHING ZONES.- If after two notices for the grant of exclusive fishery privileges through public auction no interested bidders opt to lease any fishing zone within the municipal waters, The Sangguniang Bayan is authorized to grant the privileges provided in Section 7 within a definite area or portion of the municipal waters to individuals upon payment of license fees therefore at the rates not exceeding those fixed hereunder:

- | | |
|---|------------|
| (1) FISH CORRALS ERECTED IN THE SEA | Annual Fee |
| Less than 3 m. deep | ₱ 30.00 |
| 3 m. deep or more but less than 5 m. deep. . . | 60.00 |
| 5 m. deep or more but less than 8 m. deep . . | 200.00 |
| 8 m. deep or more but less than 10 m. deep . . | 360.00 |
| 10 m. deep or more but less than 15 m. deep . . | 500.00 |
| 15 m. deep or more | 800.00 |
| (2) OPERATION OF OYSTER AND MUSSEL CULTURE BEDS | |
| Per Hectares | ₱ 100.00 |
| (3) CATCHING "BANGUS" FRY "KAWAG-KAWAG" | |
| Less than 1,000 square meters | ₱ 500.00 |
| 1,000 sq. m. or more but less than 2,000 sq.m. | 800.00 |
| 2,000 sq. m. or more but less than 4,000 sq.m. | 1,500.00 |
| 4,000 sq. m. or more but less than 6,000 sq.m. | 2,200.00 |

[Signature]
 WILFREDO C. TAYAG
 Municipal Mayor

[Signature]
 ARSENIO P. CLIMACO
 Mun. Vice Mayor

[Signature]
 ANTONIO G. NITLAGONZALO
 Secretary



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6,000.00 sq. m. or more but less than 8,000 sq. m. or over. ₱3,000.00
 8,000.00 sq. m. or **OVER** 4,000.00

(4) AGAR-AGAR AND SEAWEEDS FARMS

Per Hectare 100.00

(5) FISH CORRALS IN INLAND FRESH WATERS

With an area of less than 500 sq. m. ₱ 100.00
 With an area of 500 sq. m. or more but less than 1,000 sq.m. 200.00
 With an area of 1,000 sq. m. or more but less than 5,000 sq.m. 360.00
 With an area of 5,000 sq. m. or more but less than 10,000 sq.m. 500.00
 With an area of 10,000 sq.m. or more 800.00

(6) CATCHING FRY AND OTHER SPECIES

Less than 1,000 sq. m. ₱ 50.00
 1,000 sq. m. or more but less than 2,000 sq. m. 80.00
 2,000 sq. m. or more but less than 4,000 sq. m. 150.00
 4,000 sq. m. or more but less than 6,000 sq. m. 220.00
 6,000 sq. m. or more but less than 8,000 sq. m. 360.00
 8,000 sq. m. or over 400.00

(7) FISH CULTURE LAPU-LAPU

For every 100 sq. m. ₱ 100.00

(8) PEARL CULTURE

For every 100 sq. m. 50.00

Section 10. APPLICATION FOR EXCLUSIVE FISHERY PRIVILEGE - Applications for any of the exclusive fishery privilege mentioned in the preceding section shall be made on official form duly approved by the Sangguniang Bayan.

Section 11. SUBMISSION OF APPLICATION- All applications shall be forwarded to the Municipal Mayor. Upon receipt thereof, the Municipal Mayor shall satisfy himself that the license applied for will not prejudice public interest and that the portion or area for which an application for lease has been presented is not covered by any subsisting lease.

Section 12. COMMITTEE ON AUCTION- A committee on Auction is hereby created to compose of the Municipal Treasurer, as Chairman, the Municipal Agriculture Officer and One (1) Sangguniang Bayan as members. (Membership in this committee is entirely within the discretion of the Sangguniang Bayan.)

Section 13. PUBLICATION OF NOTICE.- The Committee on Auction shall advertise notice for sealed bids for exclusive fishery privilege in areas or zones of the municipal waters available for erecting fish corrals, or constructing or operating oyster culture beds, or taking or catching "Bangus" fry or fry of other species for propagation by posting said notice in newspaper published in the locality, if any, for a period of not less than fifteen (15) days.

Section 14. TIME AND PLACE OF AUCTION.- The Sangguniang Bayan shall, in a resolution provide for a notice calling for sealed bids for the exclusive fishery privilege granted under Section 29 (a) of Presidential Decree No. 704, specifying the time and place of the auction, the amount

WILLIAM C. TRINIDAD
 Municipal Mayor

ARSENIO P. CLIMASO
 Municipal Vice Mayor

ANTONIO G. VILLANONZALO
 Secretary



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to be deposited before and individual or an entity is entitled to participate, the procedure to be followed by the committee on auction, before any exclusive privilege is granted and the bond as guarantee of good faith and for satisfactory compliance with the terms of the lease or grant. The bond shall be in cash, in real estates situated within the Philippines or by surety company authorized for that purpose in an amount not less than two years rental.

Section 15. MUNICIPAL CONCESSIONS AND LEASES CONCERNING FISHERIES.- No lease or concession granted by the Sangguniang Bayan under authority of an ordinance approved pursuant to Section 4 of Presidential Decree No. 704 concerning fishing or fisheries in streams, lakes, rivers, inland and/ or municipal waters shall be valid and enforceable unless the Department of Environment and Natural Resources, upon recommendation of the Director of Fisheries and Aquatic Resources, approved the same.

Section 16. LICENSE PERMIT- The privilege of taking or catching fish in the municipal waters of the municipality with nets, traps or other fishing gears with or without using therefor fishing boats or vessels three tons gross or less shall be granted under license permit issued by the Municipal Treasurer to any person, cooperative, partnership, association or corporation qualified under Section 4 of this Ordinance upon payment of the corresponding license permit fee required therefor in the following:

	Annual Fee
Fishing boat/vessel 10 kilograms gross or less	₱ 50.00
10 Kg. gross or more but less than 25 kg. gross	100.00
25 Kg. gross or more but less than 50 Kg. gross	1200.00
50 Kg. gross or more but less than 100 Kg. gross	500.00
100 Kg. gross or more but less than 500 Kg. gross	1,500.00
500 Kg. gross or more but less than 1 ton gross	2,000.00
1 tons gross or more but less than 2 tons gross	3,500.00
2 tons gross or more but less than 3 tons gross	5,000.00
3 tons gross or more	6,500.00

Provided, that license permit issued under this Section shall be valid for the year in which they are issued and that such permittee shall not fish within two hundred (200) meters from any fish corrals operated under exclusive privilege granted by the municipality in accordance with this Ordinance.

Section 17. REPORT OF FISH CAUGHT.- Any individual or entity who has obtained fishery grant or license to take or catch fish in the municipal waters of the municipality shall submit to the Municipal Treasurer or the Municipality wherein he is fishing within the first ten days of each month a monthly report in triplicate copies showing the kind, quantity and values, if sold, of the fish caught during the month, provided that the Sangguniang Bayan shall furnish the Bureau of Fisheries and Aquatic Resources, for statistical purposes on forms which shall be furnished by the Bureau, such informations and data on fishery matters as are reflected in such forms.

Section 18. The Sangguniang Bayan may grant the Lessee an authority to establish and operate ferries, wharves, and other structures including "marine and seashore" activities intended to accelerate productivity.

[Signature]
 WILFREDO C. TAYAG
 Municipal Mayor

[Signature]
 ARSENIO F. CLIMACO
 Mun. Vice Mayor

[Signature]
 ANTONIO G. VILLAGONZALO
 Secretary



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Article 3 - ADMINISTRATIVE PROVISIONS

Section 19. The PNP Station Commander or his duly authorized representative shall:

- a. apprehend operators of fishing vessels using nets, traps, or other fishing gears, caught violating the provisions of this ordinance and shall impound the unit in the commission thereof at the compound of the Police Detachment at Logpond of Barangay Libertad, in preparation for the filing of the appropriate charge. Such impounded unit shall not be released without proper clearance from the Municipal Mayor or his authorized representative and only payment of a poundage fee in the amount of ten (P10.00) pesos per day or fraction thereof, but not exceeding an aggregate amount of One Hundred (P100.00) Pesos.
- b. Hold a person caught using explosives, obnoxious or poisonous substances, electricity, muro-ami and other deleterious methods in catching or taking fish, in preparation for the filing of the appropriate charge, which the Sangguniang Bayan shall also have the authority to prosecute any violation of the provisions of applicable fishery laws.

Section 20. There shall be an issuance of auxiliary invoice to transport fish and other fishery products for public consumption to be issued by the Municipal Treasurer or his authorized representative subject to existing rules and regulations and this Ordinance.

Article IV- MISCELLANEOUS PROVISIONS

Section 21. RESTRICTION ON BABY TRAWLS USING FISHING BOATS OF THREE (3) TONS OR LESS.- Baby trawls using fishing boats of three (3) tons or less may operate in areas four (4) fathoms deep or more if authorized by existing municipal ordinances duly approved by the Department of Environment and Natural Resources.

Section 22. RESTRICTIONS.- Licenses and permits issued or contracts executed under this Ordinance shall contain provision to the effect that:

- a. No fish corral or "baklad" shall be constructed within two hundred (200) meters of another fish corral in marine fisheries or One Hundred (100) meters in fresh water fisheries unless they belong to the same licensee/grantee, but in no case shall the distance be less than sixty (60) meters apart, except in waters less than two (2) meters deep at low tide, or unless previously approved by the Department of Environment and Natural Resources.
- b. Fish corrals shall be entirely opened during the closed season period established by the Department of Environment and Natural Resources for the free passage of fish to enable considerable number to reach the spawning grounds.
- c. Nothing in the license shall be construed as permitting the Lessee or license grantee or permittee to undertake any construction which will obstruct the free navigation in any stream or lake flowing through or adjoining the fish corral, or impede the flow and ebb of the tide to and from the area wherein the the Lessee or license/grantee or permittee is granted a fishery privilege.

WILFREDO C. TARA
Municipal Mayor

ARSENIO T. CHINAGO
Muv. Vice Mayor

ANTONIO G. VIKAGONZALO
Secretary



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- d. The licensee agrees unconditionally to comply with all the laws, decrees, orders, rules and regulations governing fishery or which may later be promulgated.
- e. The licensee assumes responsibility for any and all the acts of his agents and employees of the contractors connected with his fishing operation.
- f. Failure to pay any or file a bond when due as prescribed in the permit, license, contract or regulation shall be sufficient reason for the cancellation of the license permits or contract.

Section 23. ADDITIONAL CONDITION IN THE CONTRACT OF LEASE.- The contract of lease to be executed by and between the Municipality and the highest winning bidder for the grant of the exclusive fishery privilege under this ordinance shall contain the following additional terms and condition pursuant to Presidential Decree No. 1585:


- (a) That when the national interest so requires, the President of the Philippines may review, amend, modify, revise, rescind or revoke any such contract, concession, license, permit, lease or similar privilege or any condition or provision therein;
- (b) That upon the recommendation of the government agency or instrumentality concerned with the administration of any such contract, concession, license, permit, lease or similar privilege, the President may pending the conduct of appropriate hearing, summarily suspend and order the cessation of all activities and operations under the contract, concession, permit, lease or similar privilege for violation of any of the conditions or provisions therein or of any conditions prescribed in duly issued rules and regulations of the administering government agency or instrumentality.

Section 24. PENALTY.- Any individual or entity found violating any of the provisions of this Ordinance shall be punished for each offense by a fine of not less than Five Hundred (P500.00) Pesos but not exceeding One Thousand (P1,000.00) Pesos, or imprisonment of not less than ten (10) days but not exceeding six (6) months, or both such fine and imprisonment at the discretion of the court.

Section 25. EFFECTIVITY.- This Ordinance shall effect upon its approval by the consistent authorities and posting thereof to at least three (3) conspicuous places in the municipality.

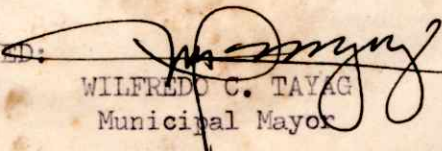
ENACTED AND ADOPTED this 20th day of September, 1994 during the Regular Session of the Sangguniang Bayan of Tungawan, Zamboanga del Sur.

ATTEST:


ARSENIO F. CLIMACO
Mun. Vice Mayor
Presiding


ANTONIO G. VILLAGONZALO
Secretary

APPROVED:


WILFREDO C. TAYAG
Municipal Mayor