



Republic of the Philippines
Region IX, Zamboanga Peninsula
Province of Zamboanga Sibugay

MUNICIPALITY OF TUNGAWAN

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OFFICE OF THE SANGGUNIANG BAYAN

GENERAL ORDINANCE NO. 30
Series of 2004

**AN ORDINANCE REGULATING THE FISHERY ACTIVITIES WITHIN
THE MUNICIPAL WATERS OF TUNGAWAN, ZAMBOANGA SIBUGAY PURSUANT
TO THE PHILIPPINE FISHERIES CODE OF 1998 (RA 8550)
AND FOR OTHER PURPOSES**

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BE IT ORDAINED BY THE 14TH LEGISLATIVE COUNCIL OF TUNGAWAN,
ZAMBOANGA SIBUGAY IN ITS 14TH REGULAR SESSION ASSEMBLED, THAT:

Article I - General Provisions

Section 1. *Short Title* - This Ordinance shall be known as "TUNGAWAN
GENERAL FISHERIES ORDINANCE OF 2004.

Section 2. *Definition of Terms* - As used in this ordinance, the
following terms or phrases shall mean as follows:

- 2.a *Municipal Waters* - As defined by RA 8550, include not only streams, lakes, inland bodies of water and tidal waters within the municipality 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 third line parallel with the general coastline including offshore islands and fifteen (15) kilometers from such coastline;
- 2.b. *Marine Sanctuary* - A designated area in the municipal waters where marine life is allowed to reproduce and grow unhampered, preserved and protected. It is described as a "no talk" zone since extractive and destructive human activities are strictly prohibited and subjected to management regulations;
- 2.c. *Extractive Activities* - Shall mean taking out, catching or collecting of anything from within the sanctuary;
- 2.d. *Destructive Activities* - Refers to the activities that bring and cause damage or destruction to the marine life and the established facilities within the sanctuary;
- 2.e. *Regulated Human Access* - Means the controlled entry and or activity within the marine sanctuary.

**Article II - Utilization, Conservation, Management,
and Development of the Fisheries and
Aquatic Resources**



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Section 3. *The Local Chief Executive* - As mandated by law, the LCE 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 the marine environment and imposition of appropriate penalties for acts which endanger the environment such as use of active gears, dynamite fishing and other activities which result in population or ecological imbalance within the municipal waters.

Section 4. *Establishment of Municipal Waters* - The Municipal Government in coordination with the concerned offices and the MFARMC establishes the municipal waters which is particularly described as follows:

Technical Description

Beginning Point 1 with Geographical Coordinates $7^{\circ}37' 52.09''$ N and $122^{\circ} 27' 31.96''$ E; thence S $70^{\circ} 00'$ E. 11,500.00 m to Point 2; thence S $30^{\circ} 00'$ W. 14,650.00 m to Point 3; thence S $82^{\circ} 00'$ W. 8,900.00 m to Point 4; thence N $75^{\circ} 00'$ W. 6,300.00 m to Point 5; containing an area of Fifteen Thousand Two Hundred Thirty-Six hectares (15,236 ha.) more or less

Geographical Coordinates

Point	Altitude	Longitude
1	$7^{\circ} 37' 52.09''$ N	$122^{\circ} 27' 31.96''$ E
2	$7^{\circ} 33' 56.42''$ N	$122^{\circ} 33' 02.95''$ E
3	$7^{\circ} 28' 51.02''$ N	$122^{\circ} 29' 25.63''$ E
4	$7^{\circ} 28' 10.70''$ N	$122^{\circ} 24' 38.03''$ E
5	$7^{\circ} 29' 3.78''$ N	$122^{\circ} 24' 38.03''$ E

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	400 ha.
b. Zone 2 - Agar-Agar Culture/New Look	1,500 ha.
c. Zone 3 - Catching of fry and other species	500 ha.
d. Zone 4 - Oyster and Mussel Culture	400 ha.
e. Zone 5 - Marine Sanctuary	880 ha.
f. Zone 6 - Fish Corrals	400 ha.
g. Zone 7 - Fish Culture Lapu-Lapu	250 ha.
h. Zone 8 - Navigational Lanes	12 ha.
i. Zone 9 - Marine Fishing	<u>10,899 ha.</u>
Total	15,236 ha.

Section 6. *Eligibility of Fishing and Fishery Privileges*- The following are, under this Ordinance, eligible for fishing and/or fishery privileges:

6.a All fishery-related activities in municipal waters as defined by Section 18 of RA 8550 shall be utilized only by municipal



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fisherfolks who are listed in the Registry of Municipal Fisherfolks.

- 6.b Cooperatives, partnerships, associations or corporations whose membership are residents of Tungawan and duly registered and accredited by the municipal government are authorized to exercise these eligibility and fishing privileges within the municipal waters.

Section 7. *Registry of Fisherfolks*- All resident fisherfolks (fisher, mariculture, and aquaculture, gleaner, etc.) in the municipality are required to register in the Municipal Registry of Fisherfolks every year at the Integrated Coastal Management Section (ICMS) of the Municipal Mayor's Office. The registration fee shall be Thirty Pesos (P30.00) per year subject to 10% discount when paid before the first quarter of every year.

7.a Requirements for registration or renewal of registration

- Certificate of Residence from the Punong Barangay for at least, the past six months.
- Must be engaged in fishing (ex. artisanal capture fishing, mariculture, gleaning).
- Certificate of Attendance in a CRM Orientation provided by the Integrated Coastal Management Section (ICMS)
- Certificate of Participation in a designated CRM activity from the ICMS in the succeeding years of registration.

7.b Penalties

- Late Registration will be fined 10% of the registration fee.
- Suspension of 3 months after the commission of 3rd violations.

Section 8. *Registry of Fishing Boats and Service Boats* - All fishing boats and service boats in the municipality must register annually in the Municipal Registry of Fishing Boats and Service Boats at the ICMS of the Mayor's Office.

8.a Fishing Boat requirements for registration or renewal of registration.

- Certificate of Residence from the Punong Barangay.
- Certificate of Attendance in a CRM Orientation provided by the Integrated Coastal Management Section (ICMS).
- Certificate of Participation in a designated CRM activity from the ICMS in the succeeding years of registration.

8.b Service Boat requirements for registration or renewal of registration.

- Certification from the Punong Barangay that the owner is a resident of the barangay and the boat is used for service purposes only.

8.c Schedule of annual fees subject to 5% discount as incentive to early registration before the first quarter of every year, viz:



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	Fishing Boat	Service Boat
I. Motorized: above 10 HP	P 200.00	P 75.00
II. Motorized: 10 HP or below	100.00	50.00
III. Non-Motorized	30.00	30.00

8.d Penalty. Late registration or failure to register shall be penalized of 50% of the total fees due.

Section 9. *Issuance of Permit* - All fishers shall be required to secure a Mayor's Permit from the ICMS of the Mayor's Office where they intend to fish.

9.a Requirements for issuance of permit.

- Certificate of Registration as fisherfolk.
- Clearance from the ICMS that the applicant has no violations have been committed for the past year or has no pending cases of violations.

9.b All fishing boat owners shall secure a Mayor's Permit from the ICMS where they intend to operate. Imposition of annual fees are as follows:

Non-Motorized	Annual Fee
50 kg gross or more but less than 100 kg gross	P 50.00
100 kg gross or more but less than 200 kg gross	100.00
Motorized	
100 kg gross or more but not less than 300 kg gross	150.00
300 kg gross or more but not less than 500 kg gross	200.00
500 kg gross or more	300.00

9.c The permittee under this Section shall not fish within two hundred (200) meters from any fish corrals operated under exclusive privilege granted by the municipality.

9.d All service boat owners or operators shall secure a Mayor's Permit from the ICMS where they intend to operate. Annual Fees imposition are as follows:

Motorized: above 10 HP	P 75.00
Motorized: 10 HP and below	50.00
Non-motorized	30.00

9.e Rate of Annual Permit Fees according to gear types are as follows:

- (1) Construction of Payao
 - . First 100m² or less P 100.00
 - . For every additional 100m² 50.00
- (2) Squid Pot (bobo nokus), Fish Trap (bobo) and Crab Pot (panggal)



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. Small	10.00 each
. Medium	20.00 each
. Big	30.00 each
(3) Jigger (ulang-ulang)	10.00 each
(4) Hook and Line (pasol)	.....	10.00 - 20.00 each
(5) Push net (sudsod)	.....	30.00 each
(6) Gill net (pukot)	.....	10.00 - 20.00 each
(7) Spear Gun (pana)	.....	10.00 each
(8) Multiple Hooks (palangre)	.....	30.00 - 50.00 each
(9) Cucumber Abalone	.....	10.00 each
(10) Drive-in Net (laya)	.....	20.00 each
(11) Luring Device (pangugita)	.....	20.00 each
(12) Crab Hook (pangalimango)	.....	30.00 each

Provided that the payao shall be harvested only by using hook and lines.

9.f A discount of 5% shall be given to resident fishers for licenses paid before the 1st quarter of every year.

9.g Penalties. Fines specified below shall be imposed for violation to this section, to wit:

- 1st Offence - P 500.00
- 2nd Offence - P 1,500.00
- 3rd Offence - P 2,500.00 and confiscation of fish catch plus no boat permit to operate for 3 months.

Section 10. *Issuance of License* - Priority shall be given to registered local fisherfolks and boat owners. All fishers using net as fishing gear shall be required to secure a license from the ICMS in coordination with the MAO every 1st quarter of the year. The range of fees, subject to 5% discount for local fisher, shall be P100.00 for 100 meters or less and an additional P50.00 for every 100 meters thereafter.

10.a Penalties. Fines for operation without license shall range as follows:

- 1st Offence - - - - - P 500.00
- 2nd Offence - - - - - P1,500.00 and confiscation of fish catch
- 3rd Offence and over - - - P 2,500.00 and confiscation of catch and fishing gear.

Section 11. *Payment of Registration of Fisherfolks, Registration of Boats, Mayor's Permit and License*- The payment of Registration of Fisherfolks, Registration of Boats, Mayor's Permit and Licenses shall be paid to the Municipal Treasurer through the ICMS of the Mayor's Office in coordination with the MAO within the first quarter of every year and shall be valid only in the year it is issued.

Section 12. *Grounds for Suspension or Cancellation of Registration of Fisherfolk, Registration of Boat, Mayor's Permit and License*- The Registration of Fisherfolk, Registration of Boat, Mayor's Permit and License shall be



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suspended or cancelled either on the following grounds: (1) transfer of residence; (2) change of livelihood; and (3) commission of three violations as per record.

Section 13. *Coding of Fishing Boats*- All types of boat (motorized and non-motorized) in Tungawan shall follow a coding system to regulate their operations in the municipal waters.

13.a Color Coding for every barangay shall be as follows:

Baluran	-- Red	Linguisan	-- Brown
Masao	-- Orange	Tigbucay	-- Purple
Libertad	-- Dark Yellow	San Vicente	-- Dark Blue
Tigbanuang	-- Dark Green	Sto. Nino	-- Red Orange
Taglibas	-- Green	Tigpalay	-- Fuchsia
Looc-Labuan-	-- Maroon	San Pedro	-- Blue

13.b Color codes assigned for each barangay shall be seen on both sides of the boat, particularly at the bow as signified by a 10-in. stripe painted diagonally across a rectangle measuring 1-2 ft. in length, depending on the size of the boat, and 3 ft. in width and bearing the color of the Municipality of Tungawan which is white. The rectangle shall be framed by black paint with a thickness of 1-in. The number shall be seen within the rectangular frame at minimum height of 4-in. and width of 3-cm. This numbering shall be printed by the CRM staff.

13.c Effectivity. The effectivity of the color code shall be 5 months after the approval of this ordinance.

13.d Penalty. Failure to comply with this section shall be fined P100.00 and will not be allowed to operate until compliance thereof.

Article III - Exclusive Fishery Privileges

Section 14. *Granting of Exclusive Fishery Privileges* - The Sangguniang Bayan may grant exclusive fishery privileges to operate fish corrals, new look, 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 seaweed farms and to operate fish and pearl culture within a definite zone of the municipal waters through a public auction as prescribed in this ordinance, provided, that the duly registered municipal fisherfolks and partnership, associations, cooperatives and corporations of resident marginal fishers shall be given preferential right to such privilege.

Section 15. *Public Auction Guidelines* - The Sangguniang Bayan shall enact a resolution promulgating the Implementing Guidelines in the conduct of public auction for the granting of exclusive fishery privileges. Such guidelines shall contain, but not limited to the Functions of the Committee on Auction; Posting of Invitation for Eligibility and to Bid or Notice of Auction; Advertisement to local newspaper or posting at conspicuous places in the municipality; Date, Place and Time of Auction; Auction Forms; Resolution of Protest; and the Awarding and Signing of Contract of Lease by the Municipal Mayor and Winning Highest Bidder; and etc.



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Section 16. *Committee on Auction* - A Committee on Auction shall be created to compose of the Municipal Treasurer as Chairman, the Municipal Agriculturist, the SB Chairman of the Committee on Fisheries, the MFARMC Chairman and the CRM Manager or ICMS Head, as members who shall perform the duties and functions provided in the guidelines, upon their appointment by the Municipal Mayor.

Section 17. *Contract of Lease* - A Contract of Lease, upon submission of the result of public auction by the Committee on Auction and through resolution of the Sangguniang Bayan recommending to the Municipal Mayor, shall be awarded to the highest qualified bidder for the exercise of exclusive fishery privileges as provided for in Section 14 hereof for a period not exceeding five(5) years at renewal scheme, subject however to the conditions prescribed by the DENR, BFAR and the graduated increase of lease as determined by the Sangguniang Bayan in consultation with the MFARMC and related offices.

Section 18. *Forfeiture or Cancellation of Contract of Lease* - The Sangguniang Bayan, upon receipt and verification of information that a lease contract has been subleased, by enactment of a resolution shall forfeit or cancel a Contract of Lease and may disqualify such lessee from future grant of exclusive fishery privilege.

Section 19. *Issuance of Individual License in Case No Bidder Opt to Lease Fishing Zone* - If after two (2) notices for the grant of exclusive fishery privileges through public auction no local bidder signified interest to lease any of the fishing zone within the municipal waters, the bidding shall be opened to outsiders. If after two (2) notices for the grant of the same through public auction, still no bidder opt to lease any of the fishing zone, the Sangguniang Bayan through a resolution authorize the Municipal Mayor to enter into negotiated contract to any individual, partnership, association or cooperative upon payment of license fees at the rates not less than the following before or within 10 days upon effectivity or anniversary of the lease thereafter, to wit:

(1) Fish Corrals Erected in the Sea	Annual Fee
less than 3 m. deep	P 300.00
3 m. deep or more but less than 5 m. deep	330.00
5 m. deep or more but less than 8 m. deep	470.00
8 m. deep or more but less than 10 m. deep	630.00
10 m. deep or more but less than 15 m. deep	770.00
15 m. deep or more	1,070.00
(2) Operation of Oyster and Mussel Culture Beds	
Per hectare	500.00
(3) Catching of "Bangus Fry" " Kawag-Kawag	
Less than 1,000 m ²	1,000.00
1,000 m ² or more but less than 2,000 m ²	1,300.00
2,000 m ² or more but less than 4,000 m ²	2,000.00
4,000 m ² or more but less than 6,000 m ²	2,700.00
6,000 m ² or more but less than 8,000 m ²	3,500.00
8,000 m ² or over	4,500.00



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(4) Seaweed Farm	
Per Hectare	200.00
For every additional hectare	50.00
(5) Fish Corrals and Inland Fresh Waters	
Less than 500 m ²	100.00
500 m ² or more but less than 1,000 m ²	200.00
1,000 m ² or more but less than 5,000 m ²	360.00
5,000 m ² or more but less than 10,000 m ²	500.00
10,000 m ² or more	800.00
(6) Catching Fry and Other Species	
Less than 1,000 m ²	100.00
1,000 m ² or more but less than 2,000 m ²	130.00
2,000 m ² or more but less than 4,000 m ²	200.00
4,000 m ² or more but less than 6,000 m ²	270.00
6,000 m ² or more but less than 8,000 m ²	410.00
8,000 m ² or over	500.00
(7) New Look	
100 m ² or less	100.00
For every additional 100 m ²	50.00
(8) Fish Culture "Lapu-Lapu" For every 100 m ²	200.00
(9) Pearl Culture - For every 100 m ²	100.00

19.a The Office of the Municipal Agriculturist in coordination with the CBCRMC, CRM, MFARMC, Sangguniang Bayan and the Municipal Engineer's Office, shall establish the subdivision or sketch plans for the exclusive fishery privilege zones or areas in the municipal waters.

Article IV - Bangaan Marine Sanctuary

Section 20. *Establishment of Bangaan Marine Sanctuary* - With the assistance of the EcoGov, CBCRMC, CRM-TWG and in consultation with the MFARMC and stakeholders, the Municipality establishes the Bangaan Marine Sanctuary in the municipal waters of Barangays Tigbucay and Linguisan, Tungawan, Zamboanga Sibugay containing an area of Eight Hundred Eighty (880 ha.) hectares more or less, to be geographically described as follows:

Core Zone

A - Lat 07° 29'35"; Long. 122° 25'33"
B - Lat 07° 28'37"; Long. 122° 25'03"
C - Lat 07° 29'10"; Long. 122° 27'07"
D - Lat 07° 28'00"; Long. 122° 26'34"

Buffer Zone

A - Lat 07° 29'53"; Long. 122° 25'30"
B - Lat 07° 28'30"; Long. 122° 25'00"
C - Lat 07° 29'05"; Long. 122° 27'29"
D - Lat 07° 27'50"; Long. 122° 26'43"

Section 21. *Creation of Marine Sanctuary Management Team* - There shall be created the Marine Sanctuary Management Team (MSMT) under the supervision and control of the CBCRMC and CRM, to directly manage and supervise the Marine Sanctuary with its three (3) committees, namely: Enforcement and Operation Committee; Information, Education and



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Communication Committee and the Monitoring and Evaluation Committee; to be composed and appointed by the Municipal Mayor as follows:

- Chairman Barangay Captain of Tigbucay
- Vice Chairman Barangay Captain of Linguisan
- Members Bantay Dagat/Deputized Fish Wardens
BAFC Chairman (Tigbucay & Linguisan)
DepEd Head Teachers (Tigbucay & Linguisan)
Women's Representative
SK Chairmen (Tigbucay & Linguisan)
Ulama Council's Representative
Senior Citizen's Representative
Representative from the Seaweeds Grower
Representative from the Fisherfolks
MPA Coordinator
- Secretariat. TWG Assigned in the MPA

Specifically, the MSMT shall exercise the functions and responsibilities provided in the Bangaan Marine Sanctuary Plan.

Section 22. Establishment of Sub-Zones - There shall be established the sub-zones in the Marine Sanctuary as follows:

- 22.a Core Zone - This zone is located at the heart or the Marine Sanctuary with an approximate area of 633 hectares more or less. All collective and destructive activities are absolutely prohibited as this shall be a "no take" zone. This area is highly productive for it does not only contain the coral reefs but as well include the neighboring habitats such as sea grass and algae beds, mangroves and sand flat.
- 22.b Buffer Zone - The buffer zone provides a transition space between the core and the non-sanctuary area containing more or less 247 hectares. Less strict regulations are applied, thus, some activities are permitted such as: (1) Visitor use area for appropriate recreation and general education activities; and (2) Research and education purposes;
- 22.c Multiple-Use Zone - All extractive activities, provided it adhere what the law permits and regulates, are permitted in this zone.

Section 23. Fees and Charges- A fee and charge shall be paid for recreation, educational research and other activities in the Municipal Sanctuary to the Municipal Treasurer through the MSMT, which shall accrue to the CRM-Marine Sanctuary Trust Fund and the Municipal General Fund at 50:50 sharing plan, to wit:

a. Visitors' Entrance Fee Per Day	Local	Foreigner
a.1 Adult	P 20.00	P 100.00
a.2 Student/Children	10.00	50.00
b. Additional Charges		
b.1 Scuba Diving Per Day	150.00	300.00



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b.2 Picture taking w/ still camera	50.00	100.00
b.3 Picture taking w/ video camera	500.00	1,000.00
b.4 Snorkeling Per Day	50.00	100.00
b.5 Mooring Per Day	100.00	200.00
b.6 Anchoring Per Day	100.00	200.00
c. Registration of Tour Boat Per Year.	500.00	

Section 24. *CRM- Marine Sanctuary Trust Fund* - There shall be maintained a CRM- Marine Sanctuary Trust Fund in the CRM Trust Fund of the municipality out from the regular allotment from the Municipal Government, counterpart allocations from Barangays Tigbucay and Linguisan, penalties, grants, donations, fees and charges incurred in the Marine Sanctuary for its improvement and operational requirement.

The MS may welcome and receive donations and grants in the form of cash, materials and trainings of its technical manpower from foreign and domestic donors and other government agencies.

Section 25. *Fines and Sharing Scheme* - For violation to the prohibitions and regulations in the Marine Sanctuary, an individual offender shall be subjected to the following fines:

- 1st Offence - P 1,000.00
- 2nd Offence - 2,000.00
- 3rd Offence and over - 2,500.00 or an imprisonment from 1 month to 3 months, or both fine and imprisonment upon the discretion of the court.

A sharing scheme of 50:50 of the fine shall go to the CRM- MS Trust Fund/Bantay Dagat as gratis for a job well done and to the Municipal General Fund.

Article V - Prohibitions and Penalties

Section 26. *Use of Active Fishing Gears* - It shall be unlawful to operate for any commercial fishing vessels utilizing active gear such as trawl, purse seine, Danish seine, ring net, driven-in net, round haul seine, motorized push net, bag net, (palupad, zipper-zipper, giant etc.) in catching fish in municipal waters, bays and coastal resource management area.

26.a Penalty. The owner/operator shall be penalized as follows:

- 1st Offence: Fine of Two Thousand Five Hundred (P2,500.00) per violator plus an official document, duly signed by the offending party and notarized, attesting to the crime committed with appropriate details and a promissory not to commit the same offence again.



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2nd Offence: Fine of Two Thousand Five Hundred (P2,500.00) per violator; impoundment of boat, and confiscation and forfeiture of fish catch and fishing gear.

3rd Offence: Proper filing of charges in court

If the owner/operator is a corporation, the penalty shall be imposed on the chief executive officer of the corporation.

If the owner/operator is a partnership the penalty shall be imposed on the managing partner.

26.b The owner or operator shall be given 36 hours to answer the violation by payment of penalty. Failure to compromise and pay the penalty shall serve as ground in filing of proper charges in court.

Section 27. *Use of Fine Mesh Net (Hulbot-hulbot)* - It shall be unlawful for any person, partnership, association, cooperative or corporation to fish in the municipal waters with the use of fine mesh nets (mesh size less than 3 cm measured between 2 (two) opposite knots of a full mesh when stretched) provided, however, that the provision shall not apply to the catching of the following species of fish.

1. Bangus, sago and bank fry
2. Marine aquarium/ornamental fishes.
3. Other species which by their nature are small but already matured.

27.a Penalty: The owner or operator shall suffer the following fines:

1st Offence: Shall be fined from Five Hundred Pesos (P500.00) to One Thousand Five Hundred (P1,500.00) per violator plus an official document, duly signed by the offending party and notarized, attesting to the crime committed with appropriate details and a promissory not to commit the same offence again.

2nd Offence: Fine of One Thousand Five Hundred (P1,500.00) per violator, impoundment of boat, confiscation and forfeiture of fish catch and fishing gear.

3rd Offence: Proper filing of charges in court

Section 28. *Fishing Through Explosives, Noxious or Poisonous Substance, and or Electricity* - It shall be unlawful for any person to catch, take, or cause to be caught, taken or gathered fish or any fishery species in the municipal waters with the use of electricity, explosives, noxious, or poisonous substance such as sodium cyanide in the municipal fishery areas, which will kill, stupefy, disable or render unconscious to fish or fishery species.



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

Penalties:

1. Actual use of explosives, noxious, or poisonous substance or electro-fishing devices for illegal fishing shall suffer the following penalties; Shall be fined from One Thousand Pesos (P1,000.00) to Two Thousand Five Hundred Pesos (P2,500.00); confiscation of fish catch and gear plus an official document, duly signed by the offending party and notarized, attesting to the crime committed with appropriate details and a promise not to commit the same offence again;
2. Dealing in, selling or disposing of the fish illegally caught shall be penalized as follows: Fined from One Thousand Pesos (P1,000.00) to Two Thousand Five Hundred Pesos (P2,500.00); confiscation of fish catch plus an official document, duly signed by the offending party and notarized, attesting to the crime committed with appropriate details and a promise not to commit the same offence again;
3. Mere possession of explosives, noxious, or poisonous substances or electro-fishing devices shall be subject to a fine of One Thousand Pesos (P1,000.00) to Two Thousand Five Hundred Pesos (P2,500.00) plus an official document, duly signed by the offending party and notarized, attesting to the crime committed with appropriate details and a promise not to commit the same offence again;.

Section 29. *Capture of Sabalo and Other Breeders/Spawners* - It shall be unlawful for any person to catch, gather, capture, or possess mature milkfish or "sabalo" and such other breeders or spawners of other fishery resources. Provided that the catching of "sabalo" and other breeders/spawners for local breeding purposes or scientific research purposes may be allowed subject to guidelines promulgated by BFAR;

29.a Penalty: Violation of the provision of this Section shall be punishable by a fine of One Thousand Five Hundred Pesos (P1,000.00) for marginal fishers and Two Thousand Five Hundred Pesos (P2,500.00) for commercial fishing vessel, and forfeiture of fish catch and fishing equipment and revocation of license plus an official document, duly signed by the offending party and notarized, attesting to the crime committed with appropriate details and a promise not to commit the same offence again.

Section 30. *Fishing or Taking of Rare, Threatened and Endangered Species* - It shall be unlawful to fish or take rare, threatened or endangered species as listed in the Convention on International Trade of Endangered Species (CITES) and as determined by BFAR;



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30.a Penalty. Violation of this provision shall be subject to a fine of One Thousand Five Hundred Pesos (P1,500.00) for marginal fishers and Two Thousand Five Hundred Pesos (P2,500.00) for commercial fishing vessel, and forfeiture of catch and cancellation of fishing permits plus an official documents, duly signed by the offending party and notarized, attesting to the crime committed with appropriate details and a promise not to commit the same offence again.

Section 31. *Ban on 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;

31.a Penalty: Violation of this provision shall be punished by an imprisonment from six (6) months to two (2) years and a fine of One Thousand Five Hundred Pesos (P1,500.00) for marginal fishers and Two Thousand Five Hundred Pesos (P2,500.00) for commercial fishing vessel, and forfeiture of the subject corals, including vessel and its proper disposition plus an official document, duly signed by the offending party and notarized, attesting to the crime committed with appropriate details and a promise not to commit the same offence again.

The confiscated corals shall be returned to the sea or donated to school museums for educational or scientific purposes or dispose through other means.

Section 32. *Obstruction of 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 or ebb of tide.

32.a Penalty: Violation of this provision shall be subject to fine of Two Thousand Pesos (P2,000.00) plus an official document, duly signed by the offending party and notarized, attesting to the crime committed with appropriate details and a promise not to commit the same offence again.

Section 33. *Illegal Use of Superlights* - It shall be unlawful to engage in fishing with the use of superlights in municipal waters.

33.a Penalty. Violation of this provision shall be punishable by an imprisonment from three (3) months to six (6) months or a fine of One Thousand Five Hundred Pesos (P1,500.00) per superlight for marginal fishers and Two Thousand Five Hundred Pesos (P2,500.00) per superlight for commercial fishing vessel, and confiscation of superlight, fishing gear and vessel.

Section 34. *Aquatic Pollution* - It shall be unlawful for any person or corporation to introduce by human or machine, directly or indirectly, substances or energy to the aquatic environment which is likely to result in such deleterious effects as to harm living and non-living aquatic resources.



(Pg 14 Gen. Ord. No. 30 s 2004).

34.a Penalty: Violation of this provision shall be subject to an imprisonment from three (3) months to six (6) months and or a fine of One Thousand Five Hundred Pesos (P1,500.00) for marginal fishers and Two Thousand Five Hundred Pesos (P2,500.00) for commercial fishing vessel.

Section 35. *Conversion/Cutting of Mangroves* - It shall be unlawful for any person to convert mangroves into fishponds or for any other purposes.

35.a Penalty. The offender shall be fined from One Thousand Pesos (P1,000) to Two Thousand Five Hundred Pesos (P2,500.00) plus an official document, duly signed by the offending party and notarized, attesting to the crime committed with appropriate details and a promise not to commit the same offence again.

Section 36. *Reversion of Fishponds into Forest land*. An abandoned fishpond area for five (5) years or more, shall not be reverted into forest land without prior notice to the fishpond owner or the agencies concerned (DENR, BFAR);

Section 37. *Obstruction of Fishery Law Enforcement Officer*- The boat owner, master or operator or any person acting on his behalf or any fishing vessel who evades, obstructs, or hinder any fishery law enforcement officer of the municipality to perform his duty shall be fined Two thousand five Hundred Pesos (P2,500.00) In addition, the registration permit and/or license of the vessel including the license of the master fishers shall be recommended for cancellation to the Office of BFAR.

Article VI. Administrative Provision

Section 38. All deputized municipal fish wardens duly authorized and appointed by the Local Chief Executive and in coordination with the Philippine Coastguard, Military, PNP, BFAR, DENR and CAFGU shall:

38.a Enforce the apprehension of all violators and offenders on the provisions of this ordinance in accordance with the Implementing Rules and Regulations of RA 8550 and other related laws;

38.b Perform as security and custodian of the impounded fishing boats, gears and other accessories in the designated impounding area and shall not release such impounded units without proper clearance from the Municipal Mayor through the ICMS and upon payment of a poundage fee of Fifty Pesos (P50.00) but not exceeding One Hundred Pesos (P100.00) per day for the marginal fishers, and One Hundred Pesos (P100.00) but not exceeding Five Hundred Pesos (P500) per day for commercial fishing vessels.

Article VII- Final Provisions

Section 39. *CRM Trust Fund* - There shall be established a CRM Trust Fund in the Municipal Treasury where the regular allocations from the



(Pg 15 Gen. Ord. No. 30 s 2004).

Municipal General Fund , counterpart funds, income, fines, donation and grants will be accounted for the maintenance and operational expenses of the Coastal Resource Management Program;

Section 40. *Sharing Scheme of Fines* - All fines raise from violations of this ordinance shall be distributed or shared as follows:

30.a From resident fisherfolks

30% - - - Barangay General Fund
40% - - - CRM Trust Fund
30% - - - Municipal General Fund

29.b From non-resident fishers

50% - - - CRM Trust Fund
50% - - - Municipal General Fund

Section 41. *Appropriation* - There shall be a regular appropriation from the Annual Budget of the General Fund or Supplemental Budget of the municipality for the effective maintenance and operation of the municipal fisheries and aquatic resources programs;

Section 42. *Amendment* - In consultation with the ICMS, MFARMC, MAO. MT and the Stakeholders, this ordinance may be amended every three (3) years.

Section 43. *Repealing Clause* - Any other ordinances or parts thereof contrary to or inconsistent with the provisions of this ordinance is hereby repealed, modified or amended accordingly.

Section 44. *Separability Clause* - If any provision of this Ordinance is declared invalid or unconstitutional, the other provisions not affected shall remain valid and subsisting.

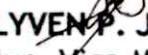
Section 45. *Effectivity*. This Ordinance shall take effect upon the approval of the Municipal Mayor.

ENACTED this 14th day of October 2004 at Tungawan, Zamboanga Sibugay,


DANTE D. IBARRA

Secretary to the Sanggunian

Attested and Certified
To be Duly Adopted:


JULYVEN P. JOCSON
Mun. Vice Mayor
Presiding

Approved: 

ARSENIO F. CLIMACO
Municipal Mayor

Date signed: 01-12-2005

* Posted at:

1. Public Market on January 5, 2005
2. Municipal Hall on January 5, 2005

* Publish in 3 weekly issues of the Sibugay Express effective January 10, 2005