



**GENERAL ORDINANCE NO. 34**  
**Series of 2009**

**A UNIFIED ORDINANCE FOR THE MANAGEMENT, CONSERVATION,  
UTILIZATION AND PROTECTION OF THE COASTAL AND MARINE RESOURCES OF  
TUNGAWAN, ZAMBOANGA SIBUGAY**

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**WHEREAS**, the Zamboanga Sibugay Coastal Resource Management Summit was held on November 28-29, 2006 in Ipil, Zamboanga Sibugay where the Parties therein signed a joint declaration of support for the protection and proper management of Sibuguey and part of Dumanguilas Bay and commitment to cooperate, collaborate and participate in protection and management activities including the formulation of a unified fisheries ordinance covering the respective municipal waters in Sibuguey and part of Dumanguilas Bays and the joint implementation and enforcement thereof;

**WHEREAS**, the Parties have agreed to formulate a unified fisheries ordinance covering the respective municipal waters in Sibuguey and part of Dumanguilas Bay and to jointly implement and enforce the same and work together within their common coastal ecosystem in order to maximize resources and the benefits that will be gained from the collaboration;

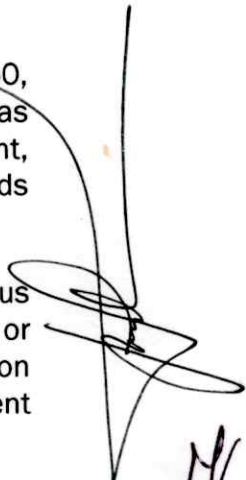
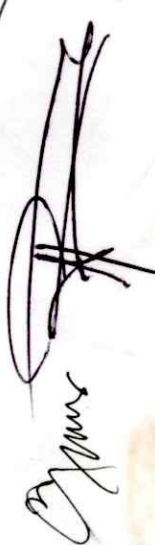
**WHEREAS**, the Parties adhere to the policy declared in Republic Act 8550, also known as the Philippine Fisheries Code of 1998, to achieve food security as the overriding consideration in the utilization, management, development, conservation and protection of fishery resources in order to provide for the needs of the population;

**WHEREAS**, RA 8550 also prescribes that the management of contiguous fishery resources such as bays which straddle several municipalities, cities or provinces, shall be done in an integrated manner, and shall not be based on political subdivisions of municipal waters in order to facilitate their management as single resources systems;

**WHEREAS**, the Parties are cognizant of their roles and responsibilities in the protection and management of their coastal resources and acknowledge the need to properly manage the same not only for their ecological and environmental functions but also for their economic and social importance;

**WHEREAS**, inter-LGU collaboration is encouraged "for purposes beneficial to them" as provided under Republic Act 7160 or the Local Government Code of 1991. Likewise RA 8550 provides that LGUs which share or border contiguous resources may group themselves and coordinate with each other to achieve the objectives of integrated fishery resource management;

**NOW THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED** by the 15<sup>TH</sup> Legislative Council of the Municipality of Tungawan, Zamboanga Sibugay in session duly assembled, that:





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**OFFICE OF THE SANGGUNIANG BAYAN**

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(P 2 Tungawan Unified Fishery Ord. of 2009)

**ARTICLE I**  
**General Provisions**

Section 1. **Title** - This Ordinance shall be known as " A Unified Ordinance for the Management Conservation and Protection of the Coastal and Marine Resources of Tungawan, Zamboanga Sibugay" otherwise known as Municipality of Tungawan Unified Fisheries Ordinance of 2009"

Section 2. **Declaration of Policies** - It is hereby declared the policy of the Municipality to adopt and implement a comprehensive and unified coastal and marine resources management program which shall:

- a) Ensure the attainment of food security for the people of the municipality in particular and the Filipino people in general;
- b) Limit access to the fishery and aquatic resources within municipal waters for the exclusive use and enjoyment of Filipino citizens;
- c) Protect the rights of fisherfolk, with priority to municipal fisherfolk in the preferential use of municipal waters;
- d) Ensure the rational and sustainable development, management, conservation, protection and utilization of the municipal waters and the fishery and aquatic resources found therein;
- e) Recognize the usefulness of sound, scientific and technical know-how while recognizing traditional and local fisheries knowledge and technologies in order to encourage their proper application to sustainable coastal and fishery resource conservation, management and development;
- f) Ensure the observation of the good governance principle of transparency accountability and participatory decision-making in all actions and decisions to be made by the municipality and other sectors involved.

Section 3. **Coverage** - The provisions of this Ordinance which shall be enforced in conjunction with existing laws, orders, policies, rules and regulations and ordinances on fishing and/or fisheries, shall be implemented and enforced in, and shall be applicable to;

- a) The municipal waters of the Municipality of Tungawan, Zamboanga Sibugay;
- b) All activities whether for business or otherwise, relating to the development, conservation, protection, utilization and management of the municipal waters and the fishery and aquatic resources found therein; and
- c) All persons, natural or juridical, who are or will be engaged in the development, conservation, protection, utilization and management of the municipal waters and the fishery and aquatic resources found therein.

**ARTICLE II**  
**Definition of Terms**

Section 4. **Definition of Terms and Acronyms** - For the purpose of the Ordinance;





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- 1) **Aquaculture** - fishery operations involving all forms of raising and culturing fish and other fishery species in fresh, brackish and marine areas.
- 2) **Biodiversity** - encompasses all species of plants, animals and microorganisms and the ecosystems and ecological processes of which they are part. It is an umbrella term for the degree of nature's variety, including both the number and frequency of ecosystems and species, or genes in a given assemblage.
- 3) **Brackishwater** - body of water with lower salinity that of the ocean or sea, normally the area where fresh and seawater meet;
- 4) **BFAR** - Bureau of Fisheries and Aquatic Resources
- 5) **CITES** - Convention on the International Trade of Endangered Species
- 6) **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 extend may include areas within a landmark limit of one (1) kilometer from the shoreline at high tide to include mangrove swamps, brackishwater ponds, nipa swamps, estuarine rivers sandy beaches and other areas within a seaward limit of 200 meters isobath to include coral reefs, algal flats, seagrass, beds, and other soft-bottom areas.
- 7) **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 passive or active gear utilizing fishing vessels of 3.1 gross tons (GT) up to twenty (20) GT;
  - b. Medium-scale commercial fishing - fishing utilizing active gears and vessels of 20.1 GT up to one hundred fifty (150) GT; and
  - c. Large-scale commercial fishing - fishing utilizing active gears and vessels of more than one hundred fifty (150) GT;
- 8) **Commercial scale** - a scheme of producing a minimum harvest per hectare per year of milkfish or other species including those raised in pens, cages and tanks to be determined by the Department in consultation with the concerned sectors.
- 9) **Coral** - the hard calcareous substance made up of the skeleton of marine coelenterate polyps which includes reefs, shelves and stolls or any of the marine coelenterate animals living in colonies where their skeletons form a stony mass. They include: (a) skeletons of anthozoan coelenterates characterized as having a rigid axis of compact calcareous or horny spicules, belonging to the genus corallium as represented by the red, pink and white corals which are considered precious corals; (b) skeletons of anthozoan coelenterates characterized by thorny, horny axis such as antipatharians represented by the black corals which are considered semi-precious corals; and (c) ordinary corals which are any kind of corals that are not precious nor semi-precious.



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- 10) **Coral reef** - a natural aggregation of coral skeleton, with or without living coral polyps, occurring in intertidal and subtidal marine waters.
- 11) **CRM** - Coastal Resources Management.
- 12) **DENR**- Department of Environment and Natural Resources.
- 13) **Endangered, rare and/or threatened species** - Aquatic plants, animal, including some varieties or corals and sea shells in danger of extinction as provided for in existing fishery laws, rules and regulations or in the Protected Areas and Wildlife
- 14) **Bureau (PAMB) of Department of Environment and Natural Resources (DENR) and in the Convention on the International Trade of Endangered Species of Flora and Fauna (CITES).**
- 15) **MFARMC** - Municipal Fisheries and Aquatic Resources Management Council.
- 16) **Fisherfolk** - people directly or personally and physically engaged in taking, and/or culturing and processing fishery and/or aquatic resources.
- 17) **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 risks and benefits of the undertakings in accordance with universally accepted cooperative principles.
- 18) **Fisherfolk organizations** - an organized group, association, federation, alliance or an institution of fisherfolk which has at least fifteen (15) members, a set of officers, a constitution and by-laws, an organizational structure and a program of action.
- 19) **Fisheries** - refers to all activities relating to the act or business of fishing, culturing, preserving, processing, marketing, developing, conserving and managing resources and the fishery areas, including the privilege to fish or take aquatic resources thereof.
- 20) **Fish pond**- a land based facility enclosed with earthen or stone material to impound water for growing fish.
- 21) **Fishing boat/gear license** - a permit to operate specific types of fishing boat/gear for specific duration in areas beyond municipal waters for demersal or pelagic fishery resources.
- 22) **Fishery management areas** - a bay, gulf, lake or any other fishery area, which may be delineated for fishery resources management purposes.
- 23) **Fishery operator** - one who owns and provides the means including land, labor, capital, fishing gears, and vessels, but does not personally engage in fishery.
- 24) **Fishery refuge and sanctuaries** - a designated area where fishing or other forms of activities, which may damage the ecosystem of the area is prohibited and human access may be restricted.
- 25) **Fishery reserve** - a designated area where activities are regulated and set aside for educational and research purposes.





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- 26) **Fishery species** – aquatic flora and fauna including, but not restricted to, fish, algae, coelenterates, mollusks, crustaceans, echinoderms, and cetaceans.
- 27) **Fishing** – the taking of fishery species from their wild state or habitat, with or without the use of fishing vessels.
- 28) **Fishing gear** – any instruments or device and its accessories utilized in taking and other fishery species.
- a. Active fishing gear – a fishing device characterized by gear movement, and/or the pursuit of target species by towing, lifting, and pushing the gears, surrounding, covering, dredging. Pumping and scaring the target species to impoundments, such as, but not limited to, trawl, purse seines, Danish seines, bag nets, paaling, drift gill net and tune longline.
  - b. Passive fishing gear – characterized by the absence of gear movements and/or the pursuit of targets species; such as, but not limited to, hook and line, fishpots, traps and gillnets across the path of the fish.
- 29) **Fishing vessel** – any boat, ship or other watercraft 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.
- 30) **Inland fishery** – the freshwater fishery and brackish water fishponds.
- 31) **LGU** – Local Government Unit
- 32) **MA** – Municipal Agriculturist
- 33) **Mangrove** – A community of intertidal plants including all species of trees, shrubs, vines and herbs found on coasts, swamps or boarder of swamps.
- 34) **MAO** – Municipal Agricultural Office/r
- 35) **Mariculture** – the specific delineated areas for seaweed farming, fish and shellfish culture areas and other mariculture activities subject to regulations on permits, licensing and other requirements as may be prescribed by the appropriate municipal ordinance/s.
- 36) **MFARO** – Municipal Fisheries and Aquatic Resources Office/s
- 37) **MPA** – marine protected area; A defined area of the sea establish and set aside by law, administrative regulation, or any other effective means, in through the establishment of management guidelines.
- 38) **MPDO** – Municipal and Planning Development Office
- 39) **Municipal fishing** – refers to fishing within municipal water using fishing vessels of three (3) gross tons or less, or fishing not requiring the use of fishing vessels.
- 40) **Municipal waters** – 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



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Republic Act. 7586 (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 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 shores of the respective municipalities.

- 41) **NAMRIA** - National Mapping and Resource Information Authority
- 42) **NIPAS** - National Integrated Protected Area System
- 43) **PAMB** - Protected Area Management Bureau
- 44) **PO** - people's organization; A bonafide association of citizens with demonstrated capacity to promote the public interest and with identifiable leadership, membership and structure. Its members belong to a sector/s who voluntarily bands themselves together to work for and by themselves for their own upliftment, development and greater good
- 45) **R.A** - Republic Act
- 46) **Superlights** - also called magic light, is a type of light using halogen or metal halide bulb, which may be located above the sea surface or submerge in the water. It consists of a ballast, regulator, electric cable and socket. The source of energy comes from a generator, battery or dynamo coupled with the main engine.

The following specifies the allowable wattage according to the size of the fishing boat:

- a. Small scale (3.1 to 20 GT): 20 KW per vessel
- b. Medium scale (20.1 to 150 GT): 36 KW per vessel
- c. Large scale (more than 150 GT): 40 KW per vessel

**ARTICLE III**  
**Color Coding**

Section 5. **Adoption of a Pre-arranged Color Coding of Boats** - There is hereby a specified color code for the boats of Tungawan, Zamboanga Sibugay which is (color of boat) (Refer to "ANNEX A" for color codes, illustration and specification).

- a) Design of Label
  - a. 1. Label of registration (L-XXX-0000-ZSP-Y)
    - i. L=LGU initial
    - ii. XXX=First 3 letters of the Barangay
    - iii. 0000= consecutive numbering of boats both for motorized and non-motorized
    - iv. ZSP=Zamboanga Sibugay Province
    - v. Y= optional; boat classification (P=private, F=fishing, H=hire)





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- a.2. Size of entire label: 6 inches in height and width of 24 inches (min) maximum of 36 inches
- a3. Stroke size of letter: at least ½ inch.
- a4. Print of label: reflectorize orange paint in black background
- a5. Position of label: 2 inches from the top of the boat and 6 inches from the color code
  
- b) Printing of color code
  - b. 1 The color shall be painted over an area of 1 meter starting from the tip of the bow and shall follow the shape of the bow. For boats with extended bows, the 1 meter area shall be counted from the base of the extended bow.
  
- c) Exemption from the color coding
  - c. 1. Bancas (non-motorized) used for feeding inside the fishponds are exempted in the color coding
  - c. 2. Donate patrol boats must contain readable markings or with a banner (Philippine Flaglet)

**ARTICLE IV**  
**Registry**

Section 6. **Registry of Municipal Fisherfolk** - The municipality, through the Municipal Environment and Natural Resources Office shall maintain a registry of municipal fisherfolk who are actually engaged or may desire to engage in the fishery industry as their main source of livelihood for the purpose of determining priorities among them, of limiting entry into the municipal waters, and of monitoring fishing and related activities: Provided that the MFARMC shall submit to the MENRO the list of priorities for its consideration.

Such list or Registry shall be updated annually or as may be necessary, and shall be posted in barangay halls or in their strategic locations where it shall be open to public inspection, for the purpose of validating the correctness and completeness of the list. The MENRO, in consultation with the MFARMC shall formulate the necessary mechanisms for inclusion or exclusion procedures that shall be most be beneficial to the resident municipal fisherfolk. The MFARMC may likewise recommend such mechanism.

Section 7. **Procedure and requirements for the registry of fisherfolk**

1. Basic requirements
  - a. Community Tax Certificate
  - b. Barangay Certification that fisherfolk is a resident of the barangay for at least 6 months prior to
  - c. Fill-up registration form (Refer to ANNEX B)
  
2. Procedure
  - a. Secure basic requirements
  - b. The Registry Team headed by the MENRO shall conduct barangay registration personally at the area to conduct orientation and receive applications and payments. All fisherfolks who were not able to attend during the schedule shall personally secure before the MENRO.
  - c. Issue laminated ID Card.



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3. Format of ID (Refer to ANNEX C)
  - a. Size of ID: length= 3.4 inches; width = 2.1. inches (landscape)
  - b. Front cover contains: the CRM logo (top left), LGU logo (top right), name of the LGU (top center), name of the fisher (middle), sector (i.e fisherfolk/fisherman, fisherfolk/fish worker, both operator, etc) lower middle half, name and signature of the incumbent mayor (middle bottom)
  - c. Back cover contains: date issued (top left), expiry date (top right), fisherfolk registration no., blood type, address of the fisherfolk, emergency contact person (name, address and contact number), name and signature of the MENRO (lower right), name and signature and/or thumb of the fisherfolk (lower left).

**ARTICLE V**  
**Registry of Fishing Vessel**

Section 8. **Registry of Fishing Vessel** - The municipality, through the MENRO, shall likewise maintain a registry of Municipal fishing vessels by type of gear and other boat particulars with the assistance of the MFARMC.

Section 9. **Procedure and requirements in obtaining registry of fishing vessel**

1. Basic requirement
  - a. Certificate of ownership of boat: certificate issued by the Punong Barangay
  - b. For boats measuring 12 m in length, about a meter in depth and width are required to secure measurement certificate issued by the MENRO
  - c. Certification from the barangay that the boat complied with the prescribed color coding
  - d. Proof of ownership of engine
  - e. Proof of payment of registration fees
  - f. Submit proof of payment to the MENRO
2. Procedure and issuance of registration
  - a. Completed basic requirements submitted to the MENRO.
  - b. Certificate of registration will then be issued by the MENRO (refer to ANNEX D).

**ARTICLE VI**  
**Permits and Licenses**

Section 10. **Permits and Licenses** - No person, partnership, cooperative, association, organization or corporation shall be allowed to undertake any kind of fisheries activity in the municipal waters including coastal areas without first obtaining the appropriate permits and/or licenses for such activity and paying the fees provided in this Ordinance. Provided, that fishing for daily food sustenance or for leisure which is not for commercial, occupation or livelihood purposes may be allowed.

The permit or license issued shall be valid for a period of 1 year and shall specify the name of the permittee or the licensee, the fishery activity for which the license is issued, the area where the activity shall be undertaken, effectivity and expiration dates of the permit or the license, the restrictions (if any), reportorial requirements (if any), and other relevant information.





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**Section 11. Procedure and requirements in obtaining permits and licenses**

1. Fill-up application form (see ANNEX E)
2. Submit documentation requirements
  - a. Barangay and Police Clearance
  - b. Proof of registration (e.g. fisherfolk ID and/or certificate of registry of fishing boat)
  - c. Community tax certificate
  - d. Proof of payment which will include the application fee and other fees.
3. Ocular inspection of the fishing boat, fishing gear and fishing site for stationary gear
4. Submit proof of payment to the MENRO
5. Issuance of permit and/or license

**Section 12. Reciprocity**

Fisherfolk from other municipalities of Zamboanga Sibugay maybe allowed to fish within the municipal waters of Tungawan provided that the following requirements are complied with:

- a. The fisherfolk is registered in the registry of fisherfolk in the municipality of origin. The fisherfolk ID shall serve as the proof of such registration.
- b. Secure appropriate license and/or permit from the municipality of Tungawan

**ARTICLE VII**  
**Zoning**

**Section 13. Zoning as Framework** - The zoning of the coastal and marine areas of Tungawan, consistent with the Municipal Fisheries Code, land use and watershed plans, is hereby adopted as the framework for integrated management of the coastal and marine resources of the municipality.

**Section 14. Establishment of Zone** - The following management zones shall be established within the coastal and marine areas of the municipality:

**1. Biodiversity Conservation Zone**

The Biodiversity Conservation Zone will be comprised of mangrove rehabilitation areas, fish sanctuaries, endangered species (i.e. sea turtle, whale shark) conservation areas, seagrass bed and riverbank protection. The Biodiversity Conservation Zone may include the following priority areas (when applicable) and other suitable areas identified with proper consultation and validation with local communities.

**a. Mangrove Rehabilitation Areas**

The municipal government in coordination with the BLGU, FARMC and the peoples organization in the adjacent barangay where mangrove is located shall promote the rehabilitation, management and protection measures.

The establishment of mangrove protection/rehabilitation shall include the procedure on reversion process of abandoned/unproductive fishpond to mangrove forest land.





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- b. Marine Fish Sanctuary  
The municipal government thru the MENRO, in coordination with the BLGU, FARMC, POs and other sectors shall establish a marine fish sanctuary. It shall encourage local communities in the protection and management of marine fish sanctuary.
- c. Endangered Species Conservation Area  
The municipal government thru the MENRO in coordination with the BLGU, FARMC, POs and other sectors shall take conservation and rehabilitation measures to protect threatened or endangered species as determined by the agencies concerned, and shall prohibit fishing and taking of rare, threatened or endangered species including their eggs and young, and reproducing individual as identified by the existing national and international laws.
- d. Seagrass Bed/Areas  
The municipal government in coordination with the BLGU, FARMC, POs and other sectors shall identify suitable areas for sea grass conservation. It shall ensure the sustainable management of sea grasses in the municipal water.
- e. Riverbank/greenbelt Protected Areas  
The municipal government shall protect and manage the riverbank for breeding and spawning ground of fish and other aquatic organism. It shall encourage the fisherfolk to rehabilitate and protect the area 20 meters from the riverbank PD 704.

**2. Fishery Management Zone**

The Fishery Management Zone shall be comprised of capture fisheries/fishing area and aquaculture areas. The Fishery Management Zone will include the following sub-zones when appropriate:

- a. Capture Fisheries/Fishing Zone  
The Capture Fisheries/Fishing Area shall cover the entire municipal waters of Tungawan. The conduct of fishing activities in this area shall be subject to regulations on permits, licenses, fishing gears, fishing boats and other requirements as prescribed or as may be prescribed by the appropriate municipal Ordinance/s.
- b. Mariculture Areas  
The specific areas for seaweed farming, fish and shellfish culture areas and other mariculture activities will be delineated and subject to regulations on permits, licensing and other requirements as may be prescribed by the appropriate municipal Ordinance/s.
- c. Inland Culture Areas  
The specific areas for brackishwater and freshwater culture activities shall be delineated and subject to regulations on permits, licensing, rentals and other requirements as may be prescribed by the appropriate Municipal Ordinance/s.

**3. Coastal Settlement Zone**

The Coastal Settlement Zone shall be established in accordance with the Comprehensive Land Use Plan (CLUP) of the municipality and in coordination with the MFARMC. The Municipal Planning and Development Office (MPDO) shall ensure that the establishment of the Coastal Settlement Zone is consistent with the CLUP and zoning regulations of the municipality.





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**4. Marine Transport and Navigation Zone**

The Marine Transport and Navigational Zone shall be comprised of the ports/fish landing development areas and navigation areas are located, consistent with the zoning regulations of the municipality. The Marine Transport and Navigational Zone shall identified and established by the MLGU in coordination with the national agencies.

**5. Ports/Fish Landing Development Zone**

The Municipal Ports/Fish Landing Development areas within the municipality shall be identified and established.

**6. Recreation and Eco-Tourism Zone**

Recreation and Eco-Tourism Zone shall be established in the following areas:

- |                         |                            |
|-------------------------|----------------------------|
| a. Barangay Looc-Labuan | f. Barangay Tigpalay       |
| b. Barangay Linguisan   | g. Barangay Upper Tungawan |
| c. Barangay Tigbucay    | h. Barangay Langon         |
| d. Barangay Taglibas    | i. Barangay Poblacion      |
| e. Barangay Batungan    | j. Barangay Little Margos  |

**7. Wildlife protection zone**

The wildlife and protection zone shall be established in coordination with the appropriate national government agencies. This shall be established in the following areas:

- |                             |                           |
|-----------------------------|---------------------------|
| a. Barangay Tigbucay        | h. Barangay Loboc         |
| b. Barangay Batungan        | i. Barangay Little Margos |
| c. Barangay Cayamcam        |                           |
| d. Barangay Datu Tumanggong |                           |
| e. Barangay Looc-Labuan     |                           |
| f. Barangay Linguisan       |                           |
| g. Barangay Taglibas        |                           |

**ARTICLE VIII**  
**Incentives and Rewards**

Section 15. **Granting Incentives/Rewards to the Apprehending Team** - Personnel involved during the apprehension will receive incentives/rewards from the fines collected. The scheme will be as follows:

- 40% - apprehending team who are on board during the apprehension
- 40% - Municipal Government
- 20% - judiciary funds/sinking fund for judicial purposes

Section 16. **Monthly Honoraria** - The municipal government shall provide monthly honorarium for Bantay Dagat personnel in the amount of PhP 1,000. The said amount shall be taken from the budget Of 20% CRM program.

Section 17. **Benefits for Bantay Dagat** - The municipal government shall provide accident and health insurance to bantay dagat and fish warden.





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Province of Zamboanga Sibugay  
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**OFFICE OF THE SANGGUNIANG BAYAN**

Tel No. (Loc) 926-0569; (062) 926-0569; MP No. 09265986831

(P. 12 Of Tungawan Unified Fishery Ord. of 2009)

Section 18. **Legal and Financial Assistance** – The Provincial Government shall provide legal assistance to law enforcers in the event any action is brought against them by reason of the performance of their duties. In this connection the municipality shall seek the assistance of the Legal Office of the Province.

**ARTICLE IX**  
**Prohibited Acts and Penalties**

Section 19. **Unauthorized Fishing or Engaging in Other Unauthorized Fisheries Activities** – No person, cooperative, association, firm or corporation shall exploit, occupy, produce, breed, culture or gather fish, fries or fingerlings or engaged in any fishery activity in the municipal waters of Tungawan without a license, permit or lease. Discovery of any person in an area of this municipality where he has no permit, license or registration paper for a fishing vessel shall constitute a prima facie presumption that the person and/or vessel is engaged in unauthorized fishing:

Any person who violates this provision shall be penalized as follows:

First Offense	:	Fine of One Thousand (P 1000.00) per violator
Second Offense	:	Fine of Two Thousand Pesos (P2,000) per violator
Third Offense	:	Fine of Two Thousand Pesos plus confiscation of fishing gears.

Section 20. **Fishing in marine protected areas (MPAs), fishery reserves and fish sanctuaries** – It shall be unlawful for any person to fish in the fishery areas declared by the Municipality of Tungawan as Marine Protected Area, fishery reserve and/or sanctuary.

Any person who violets this provision shall be penalized as follows:

First Offense	:	Fine of One Thousand Five Hundred Pesos (P1, 500.00) per violator
Second Offense	:	Fine of Two Thousand Five Hundred Pesos (P2, 500.00) per violator
Third Offense	:	Filing of appropriate charges in court as per Section 96 of RA 8550;

Section 21. **Use of fine mesh net except for catching bangus fry and dilis** - It shall be unlawful for any person to engage in fishing in the municipal waters of Tungawan using fine mesh net as defined in this of ordinance. Provided, that the use of fine mesh nets with legal size but doubled or overlaid 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, eels, elvers, tabios, bolinao, and alamang and such species which by their nature are small but already mature as identified by the Department of Agriculture through the Bureau of Fisheries And Aquatic Resources. Provided finally that the used of such gear will not cause damage to the coral reef & other marine habitat.





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Any person who violates this provision shall be penalized as follows:

- First Offense : Fine of Two Thousand Pesos (P2, 000) per violator
- Second Offense : Fine of Two Thousand Five Hundred Pesos (P2, 500.00) per violator
- Third Offense : Filing of appropriate charges in court as per section 89 of RA 8550.

**Section 22. Use of active fishing gears** - It shall be unlawful for any person, natural or juridical, to fish or engage in any fishery activity using active gear such as but not limited to *hulbot-hulbot*, cast net, trawl, beach seine, *tari-tari*, *zipper-zipper*, *muro-ami*, basing and other similar gears as maybe declared by DA-BFAR and any of its variation.

Any person including, but not limited to, operator, boat captain, master fisherman, recruiter or organizer of fish workers who violates this provision shall be penalized as follows:

- First Offense : Fine of Two Thousand Pesos (P2, 000) per violator
- Second Offense : Fine of Two Thousand Five Hundred Pesos (P2, 500.00) per violator
- Third Offense : Filing of appropriate charges in court as per Section 92 of RA 8550.

**Section 23. Gathering of white sand, silica, pebbles, corals and other materials making up the marine habitat** - It shall be unlawful for any person, natural or juridical, to gather, sell or export white sand, silica, pebbles and any other substance which make up any marine habitat.

Any person who violates this provision shall suffer be penalized as follows:

- First Offense : Fine of Two Thousand Pesos (P2,000.00) per violator
- Second Offense : Fine of Two Thousand Five Hundred Pesos(P2,500.00) per violator
- Third Offense : Filing of appropriate charges in court as per Section 91 of RA 8550.

**Section 24. Use of noxious substances and electricity in fishing** - 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, noxious or poisonous substances such as but not limited to cyanide, formalin, lagtang, endrin, thiodan, brestan and tubli which will kill, stupefy, disable, or render unconscious fish or fishery species; Provided, that the use of poisonous 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.

Any persons who violates this provision shall be appropriately charged in court as per Section 88 of RA 8550.

**Section 25. Use of dynamite in fishing.** 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 dynamite or explosives which will kill, stupefy, disable or render unconscious fish or fishery species;





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Any person who violates this provision shall be appropriately charged in court as per Section 88 of RA 8550.

**Section 26. Mere possession, dealing and selling or disposing of illegally caught fish.**- It shall be unlawful for any person, corporation or entity to possess, deal in, sell or in any manner dispose of, any fish or fishery species which have been illegally caught, taken or gathered.

Any person who violates this provision shall be penalized as follows:

First Offense : Fine of Two Thousand Pesos (P2,000) per violator

Second Offense : Fine of Two Thousand Five Hundred Pesos (P2,500) per violator

Third Offense : Filing of appropriate charges in court as per Section 88 of RA 8550.

**Section 27. Mere possession, dealing, selling, buying of dynamite paraphernalia.** It shall be unlawful for any person who posses, deal, sell and buy dynamite paraphernalia such as but not limited to blasting cap, other explosive and chemical compounds which contain combustible elements.

Any person who violates this provision shall be appropriately charged in court as per Section 88 of RA 8550.

**Section 28. Use of destructive fishing method to coral reef and other marine habitat.** It shall be unlawful for any person, natural or juridical, to fish or engage in any fishery activity using gear or method that destroys coral reefs, seagrass beds and other fishery marine life habitat such as but not limited to pahubas, sanggab or filter net and three-ply nets.

Any person who violates this provision shall be appropriately charged in court as per Section 92 of RA 8550.

**Section 29. Fishing by the use of compressor.** - It shall be unlawful for any person to engaged in fishing or other fishery activities using compressor.

Any person who violates this provision shall be penalized as follows:

First Offense : Fine of One Thousand Pesos (P1,000) per violator

Second Offense : Fine of Two Thousand Pesos (P2,000) per violator

Third Offense : Fine of Two Thousand Five Hundred Pesos and/or imprisonment from Two (2) to Six (6) Months  
Confiscation of gears, other paraphernalia and catch upon the discretion of the court.

**Section 30. Farming seaweeds without license or permit.** It shall be unlawful for any person, corporation, cooperative or other entity to engage in seaweeds farming without the necessary license, fees or permit from the municipality.

Any person who violates this provision shall be penalized as follows:

First Offense : Fine of One Thousand (P 1,000.00) per violator

Second Offense : Fine of Two Thousand Pesos (P2,000) per violator

Third Offense : Fine of Two Thousand Five Hundred (P2,500.00) Pesos pluss suspension to culture seaweed for six (6) months.





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Section 31. **Collecting endangered, rare or threatened species.** It shall be unlawful for any person to fish or take rare, threatened or endangered species such as but not limited to clam shell (taklobo), sea turtle (pawikan), manta ray (pagi) sea-cow (dugong or manatee), dolphin (lumod) as listed in the CITIES and as determined by DA-BFAR.

Any person who violates this provision shall be appropriately charged in court as per section 97 of RA 8550.

Section 32. **Obstruction to navigation or flow and Ebb of Tide in any Stream, River, Lake or Bay.** It shall be unlawful for any person to obstruct, hinder or cause obstruction to navigation or flow and ebb of tide.

Any person who violates this provision shall be penalized as follows:

First Offense	: Fine of One Thousand (P 1,000.00) per violator
Second Offense	: Fine of Two Thousand Pesos (P2,000) per violator
Third Offense	: Fine of Two Thousand Five Hundred (P2,500.00) Pesos plus confiscation of materials used in the construction.

The violator shall be responsible or bear the cost of the removal or extraction of the structure.

Section 33. **Catching or capturing and possession of sabalo (mother bangus or awa)** - It shall be unlawful for any person to catch, gather, capture or possess mature milkfish or "sabalo".

Any person who violates this provision shall be appropriately charged in court as per Section 98 of RA 8550.

Section 34. **Gathering and possession of breeders/spawners, eggs or fry of bangus, prawn and other endemic species except for research and aquaculture purposes.** - it shall be unlawful for any person to catch, gather, capture or possess breeders or spawners, eggs or fry of bangus, prawn and other endemic species as may be determined by DA-BFAR except for research and aquaculture purposes;

Any person who violates this provision shall be appropriately charged in court as per Section 98 of RA 8550.

Section 35. **Taking, catching, selling, processing or transporting gravid crabs, crablets and pahe or freshwater shrimp (macrobrachium rosenbergii) except for culture purposes.** - It shall be unlawful for any person to take, catch, sell, process or transport gravid crabs, crablets and pahe or freshwater shrimp in this municipality.

Any person who violates this provision shall be penalized as follows:

First Offense	: Fine of One Thousand (P 1,000.00) per violator
Second Offense	: Fine of Two Thousand Pesos (P2,000) per violator
Third Offense	: Fine of Two Thousand five Hundred (P2,500.00) Pesos plus suspension of permits for six (6) months.





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**Section 36. Commercial Fishing in the municipal waters and other fishery management areas.** It shall be unlawful for any commercial fishing vessel such as but not limited to "giant palupad, zipper-ziper, trawl, hulbot-hulbot, purse seiner, and basnig" to engage in fishing in the municipal waters of Tungawan as well as other fishery management areas as defined in this ordinance.

Any person who violates this provision shall be penalized as follows:

- |                |   |
|----------------|---|
| First Offense  | : Fine of One Thousand (P 1,000) per crew on board and Two Thousand Pesos (P2,000) each for the boat captain and the owner/operator;                  |
| Second Offense | : Fine of Two Thousand Pesos (2,000) per crew on board and Two Thousand Five Hundred Pesos (P2,500) each for the boat captain and the owner/operator. |
| Third Offense  | : Filing of appropriate case in court as per Section 90 of RA 8550.   |

**Section 37. Introducing deleterious substances to the aquatic environment.** It shall be unlawful for any person to introduce any form of deleterious substances to the aquatic environment such as but not limited to household, industrial and agricultural wastes like used oil and other chemical substances.

Any person who violates this provision shall be penalized as follows:

- |                |   |
|----------------|---|
| First Offense  | : Fine of Two Thousand (P 2,000) per violator                           |
| Second Offense | : Fine of Two Thousand Five Hundred Pesos (P2,500) per violator         |
| Third Offense  | : Filing of appropriate charges in court as per Section 102 of RA 8550. |

**Section 38. Construction and operation of fish corrals, traps, fish pens, new look and fish cages without permits and licenses.** It shall be unlawful for any person to construct and operate fish corrals, traps, fish pen, newlook and fish cages without the necessary permit and license from the municipality.

Any person who violates this provision shall be penalized as follows:

- |                |  |
|----------------|--|
| First Offense  | : Fine of One Thousand (P 1,000) per violator  |
| Second Offense | : Fine of Two Thousand Pesos (P2,000) per violator   |
| Third Offense  | : Fine of Two Thousand five Hundred (P2,500.00) Pesos plus confiscation of fishing paraphernalia & suspension of permits for six (6) months. |

In case of cancellation of permits, the violators are not allowed to renew/require other permit for a period of one (1) year.

**Section 39. Obstruction to fishery law enforcement officer from performing his/her duty.** The boat owner or operator, master fishermen or any person acting on his/her behalf of any fishing vessel who evades, obstructs or hinders any fishery law enforcement officer in the performance of his/her official duties for the purpose of inspecting the fish holds or boxes containing fish or fishery/aquatic products, as well as investigation to the persons on the vessel shall be penalized as follows:





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- First Offense : Fine of One Thousand (P 1,000) per violator  
Second Offense : Fine of Two Thousand Five Hundred Pesos (P2,500) per violator  
Third Offense : Filing of appropriate charges in court using RA 8550 Section 86.

Section 40. **Use of Superlights in fishing in municipal waters.** - It shall be unlawful to engage in fishing with the use of superlights as defined in this ordinance within the municipal waters of the municipality.

Any person who violates this provision shall be appropriately charged in court using Section 93 of RA 8550.

Section 41. **Conversion of mangroves into fishponds or for any other purposes.** - It shall be unlawful for any person to convert mangroves into fishponds or for any other purposes.

Any person who violates this provision shall be appropriately charged in court using Section 94 of RA 8550.

Section 42. **Fishing in Over-fished Area and during close season.** - Upon declaration by the municipality, as per recommendation by DA-BFAR, that the municipal water or a portion thereof as over fished and/or closed season, it shall be unlawful for any person to fish in said areas.

Any person who violates this provision shall be penalized as follows:

- First Offense : Fine of One Thousand Pesos (P1,000) per violator  
Second Offense : Fine of Two Thousand Pesos (2,000) per violator  
Third Offense: : Fine of Two Thousand Five Hundred (P2,500.00) Pesos per violator plus confiscation of fishing Paraphernalia & suspension of permits for six (6) months.

Section 43. **Taking, selling, transferring outside of the municipality or having in possession of any sexually shellfish.** It shall be unlawful for any person to take, sell, or transfer outside of Municipality of Tungawan for having in possession of any sexually mature shellfish as defined in this ordinance except for research and educational purposes.

Any person who violates this provision shall be penalized as follows:

- First Offense : Fine of One Thousand Five Hundred (P 1,500) per violator  
Second Offense : Fine of Two Thousand Five Hundred Pesos (P2,500) per violator  
Third Offense : Filing of appropriate charges in court as per Paragraph C of Section 103 of RA 8550.

Section 44. **Obstruction of defined migratory paths of any migratory species.** - It shall be unlawful for any person to obstruct, hinder or cause obstruction to any defined migratory path of any migratory species as determined by the municipality.





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Any person who violates this provision shall be penalized as follows:

- |                |  |
|----------------|--|
| First Offense  | : Fine of One Thousand Pesos (P1,000) per violator   |
| Second Offense | : Fine of Two Thousand Pesos (P2,000.00) per violator  |
| Third Offense  | : Fine of Two Thousand Five Hundred Pesos (P2,500.00) per violator plus confiscation of fishing paraphernalia & suspension of permits. |

**Section 45. Use of unofficial/un-prescribed color of boats (motorized and non-motorized).** It shall be unlawful for any person to use the unofficial/un-prescribed color of boats in the municipality.

Any person who violates this provision shall be penalized as follows:

- |                |   |
|----------------|---|
| First Offense  | : Fine of One Thousand Pesos (P1,000) per violator  |
| Second Offense | : Fine of Two Thousand Pesos (P2,000.00) per violator   |
| Third Offense  | : Fine of Two Thousand Five Hundred Pesos (P2,500.00) per violator plus suspension of permits for six (6) months. |

**Section 46. Towing of boats/vessels doing illegal fishing activities, transporting illegally caught fish, mangroves, corals, seagrass, pebbles, sand and other prohibited species.** - It shall be unlawful for any person to tow boats/vessels possessing and/or doing illegal fishing activities such as but not limited to transporting illegally caught fish, mangroves, corals, seagrasses, pebbles, sand and other prohibited species and substances.

Any person who violates this provision shall be penalized as follows:

- |                |  |
|----------------|--|
| First Offense  | : Fine of One Thousand Pesos (P1,000) per violator   |
| Second Offense | : Fine of Two Thousand Pesos (P2,000.00) per violator  |
| Third Offense  | : Fine of Two Thousand Five Hundred Pesos (P2,500.00) per violator, Imprisonment of a minimum of Three (3) Months to a Maximum of Six (6) Months upon the discretion of the Court. |

**Section 47. Gathering/possessing, and transporting of seagrasses, species except for research purposes and exhibits.** - It shall be unlawful for any person to gather, possess and transport any kind of seagrass except for research and exhibit purposes.

Any person who violates this provision shall be penalized as follows:

- |                |  |
|----------------|--|
| First Offense  | : Fine of One Thousand Five Hundred Pesos (P1,500) per violator  |
| Second Offense | : Fine of Two Thousand Pesos (P2,000.00) per violator  |
| Third Offense  | : Fine of Two Thousand Five Hundred Pesos (P2,500.00) Per violator or Imprisonment of a Minimum of Three (3) months and a Maximum of six (6) months. Upon discretion of the Court. |





(P. 19 Of Tungawan Unified Fishery Ord. of 2009)

Minimum of Three (3) months and a Maximum of six (6) months. Upon discretion of the Court.

#### ARTICLE X Enforcement

Section 48. **Enforcement Mechanism** - the Mayor shall be responsible for the implementation and enforcement of this ordinance. For this purpose the Mayor, through an executive order, shall:

1. Create/designate enforcement group/task force to enforce this ordinance.
2. Designate the Office that shall be responsible for filing of cases if needed.

Section 49. **Requirements for the enforcers.**

1. Member of the enforcement team shall undergo training on fishery laws, rules & regulation, municipal ordinances and other fishery related laws
2. Members should be a deputized fishery warden or bantay dagat
3. No conflict of interest
4. Mentally & physically fit

#### ARTICLE XI Budget

Section 50. **Appropriation** - The sum of Php 300,000.00 is hereby appropriated for the first year of implementation of this ordinance. The budget for subsequent years which shall not be less than the amount of the prior year's appropriation shall be submitted by the MENRO/MFARMC to be included in the annual municipal budget.

#### ARTICLE XII Final Provision

Section 51. **Separability Clause** - If for any reason or reasons any part or provision of this ordinance shall be held unconstitutional or otherwise invalid, other parts or provision hereof which are not affected shall continue to be in full force and effect.

Section 52. **Amendatory/Repealing Clause** - All previous ordinances, executive orders, rules and regulations or parts thereof which are inconsistent with this Ordinance are hereby repealed or modified accordingly.

Section 53. **Effectivity Clause** - This ordinance which is the Draft Ordinance No. 15-06-09, shall take effect ten (10) days after a copy hereof is posted in a bulletin board at the entrance of and in at least two (2) other conspicuous places of the municipal building and the Ordinance has been published three (3) times consecutively in a local newspaper of general circulation in the municipality.





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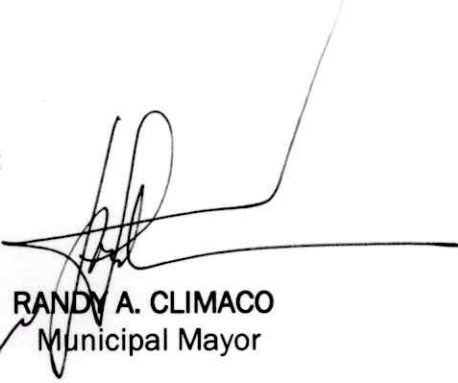
ADOPTED AND APPROVED this 10<sup>th</sup> day of March, 2009 at Tungawan,  
Zamboanga Sibugay, Mindanao, Philippines.

  
DANTE D. IBARRA  
SB Secretary

Attested and Certified:  
to be Duly Adopted:

  
ARSENIO F. CLIMACO  
SB Floor Leader  
Temporary Presiding Officer

Approved:

  
RANDY A. CLIMACO  
Municipal Mayor

ddi/aaa/rac/meaq. . . .