

Republic of the Philippines
Province of Oriental Mindoro
MUNICIPALITY OF ROXAS

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE 21st REGULAR SESSION OF THE SANGGUNIANG BAYAN OF ROXAS, ORIENTAL MINDORO HELD ON 26 JUNE 2000, 9:15 A.M. AT THE BARANGAY HALL OF MABUHAY, ROXAS, ORIENTAL MINDORO.

Present:

Vice Mayor Gonzalo C. Sifiel, Jr.	- Presiding Officer
Councilor Jesus S. Dela Cruz	- Member
Councilor Cesar T. Batleos	- Member
Councilor Ramil O. Dimapilis	- Member
Councilor Juanito A. Bacay, Jr.	- Member
Councilor Eduardo K. Soriano	- Member
Councilor Juan S. Advincula	- Member
Councilor Eduardo G. Villamin	- Member, ABC President
Councilor Randy P. Valencia	- Member, SK Chairman

Absent:

Councilor Angeles D. Bautista	- On Official Business
Councilor Mae Arlene M. Talens	

MUNICIPAL ORDINANCE NO 01
Series of 2000

AN ORDINANCE REGULATING THE FISHING INDUSTRIES AND / OR FISHERIES IN THE MUNICIPALITY OF ROXAS, ORIENTAL MINDORO.

ARTICLE I - TITLE AND PURPOSE

- SECTION 1. Title and purpose of the ordinance. This ordinance to be known as the BASIC FISHERIES ORDINANCE OF THE MUNICIPALITY OF ROXAS, ORIENTAL MINDORO for the regulation of the fishing industries and/or fisheries within the municipality. It shall be enforced in conjunction of the laws, decrees, orders, rules and regulations on fishing and/or fisheries currently existing or that which may hereafter be promulgated regarding the matter.

ARTICLE II - DECLARATION OF POLICY

- SECTION 2. Declaration of Municipal Policy. The Municipal Government shall have jurisdiction over waters. It shall be responsible for the management, conservation, development, protection, utilization and disposition of all fishing and fishery/aquatic resources with municipal waters. It shall also provide for preferential rights in the management and access to the fishery for marginal fishermen resident of the municipality.

ARTICLE III - DEFINITION OF TERMS

- SECTION 3. Definition of Terms. For purposes of this ordinance, the following terms and phrase are defined:
- a. AUXILIARY INVOICE - Issued by the Municipal Government for all fish and fishery products prior to their transport from Municipality of Roxas to their points of

destination in the Philippines and/or for export purposes upon payment of the fees prescribed in this ordinance.

- b. **BABY TRAWL** — A fishing gear operated by fishing boat three (3) gross tons or less consisting of a net made in the form of a conical bag with mouth kept open by various device (as otter boards/doors, wooden or iron beam, two (2) boats and extra long ropes) and the entire gear towed, trailed to capture fish or fishery/aquatic products.
- c. **MUNICIPALITY** — refer to the Municipality of Roxas.
- d. **MUNICIPAL GOVERNMENT** — refers to the Municipal Government of Roxas.
- e. **CITY/MUNICIPAL FISHING BOAT** — refers to the fishing boat three (3) gross registered tons or less in the fishery.
- f. **MUNICIPAL WATERS** include those waters referred to as municipal waters in the fishery code but in the case of this ordinance, are referred to as Municipal waters and include not only streams, lakes and tidal waters included within the municipality not being the subject of private ownership and not comprised within the national parks, public forest, timberlands, forest 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 general coastline and fifteen (15) kilometers from the coastline of the outermost inhabited islands of the municipality. Where the city and a municipality are so situated on the opposite shores that there is less thirty (30) kilometers of marine waters between them, the third line shall be a line equidistant from the respective shore of the city or municipality.
- g. **CLOSED SEASON** — The period declared by the Municipal Mayor with the approval of the Sangguniang Bayan during which the taking of specific fish and marine/aquatic products are prohibited in a specified area or areas in the Municipal Waters of Roxas for conservation, ecological purposes and for the protection of rare, threatened and/or endangered species and their eggs offspring including, but not limited to tawilis, giant clams, green turtles (Pawikan) and hawksbill turtles, freshwater and saltwater crocodiles;
- h. **Commercial Fishing Vessel** — refers to a fishing boat vessel in excess of three (3) gross registered tons used in fishery activities, restricted in this ordinance to fishery activities outside the Municipal Waters.
- i. **Commercial or Offshore Fishing** — the taking of fish with a fishing vessel of more than three (3) gross registered tons in those waters beyond the 15 kilometers limit of the Municipal Waters.
- j. **Exclusive Fishery Privilege** — the lease or grant conferred by the municipal government to any individual, association, cooperative, partnership or corporation and to no other to operate fish coral pens and cages oyster and other shelled mollusk culture beds, seaweed farms, pearl culture farm and the catching of bangus fry, prawn fry or fry of other species.
- k. **FISHERIES AND AQUATIC RESOURCES MANAGEMENT COUNCIL (FARMC)** refers to the advisory councils for the fisheries to be formed in the municipality and barangay in accordance with Executive Order No. 240, Presidential Memorandum to the Secretaries of Agriculture and Interior and Local Government Fishery Code of respecting the Guidelines to implement the preferential treatment for the small fishermen relative to the 15 km Municipal Waters Boundary.

- l. **FISH AND FISHERY/AQUATIC PRODUCTS** — includes all fish and other aquatic and mammals/Fishery/aquatic products include all other products of aquatic living resources in any form.
- m. **FISH CAGE** — any method of culturing fish and fishery resources in a fish enclosure which is further stationary or floating, made up of nettings or screens or other materials set in the form of inverted mosquito net (hapa type) with or without cover with all sides either tied to poles staked to the water bottom or with anchored floats for aqua culture purposes.
- n. **FISH CORAL or BAKLAD** — A stationary weir or trap devised to intercept and capture fish, consisting of rows of stakes of bamboo, palma brava or other materials fenced with split bamboo matting or wire nettings with one or more enclosures, usually with easy entrance but difficult exit and with or without leaders to direct the fish to the catching chamber or purse.
- o. **FISHERMAN'S LICENSE** — the authority issued by the Municipal Government in favor of the municipal fishermen for fishing in the municipal waters for a period of one (1) year.
- p. **FISHERY** — the business of searching for attempting to catch, catching, taking, handling, marketing, transporting, culturing, processing and preserving fish or other fishery /aquatic products, the fishing grounds and the right to fish or take such products therefrom.
- q. **FISHERY RESERVE** — a designated area where fishing activities are regulated and set for educational and scientific purposes.
- r. **FISH FRY** — a stage at which a fish has recently been hatched usually with size from 1 — 25 mm.
- s. **FISHING BOAT/VESSEL** — includes all boats such as bancas, sailboats, motorboats, or any other types of watercraft, whether licensed or not, used for fishing purposes. Provided, that any such boat used for the purpose of transporting the fish in the course of fishing operations shall be considered as fishing boat.
- t. **FISHING GLAR** — any instrument or device and its accessories utilized in searching for attempting to catch and catching fish and other fishery/aquatic products.
- u. **Fishing industry** — Includes fish catchers/fishermen, products, fish processors, fish traders both wholesalers and retailers and owners of refrigerating and cold storage plants serving the industry.
- v. **FISHING RECORDS** — includes all records and documents of the fishery as required in the terms and conditions of the License or Exclusive Fishery Privilege.
- w. **FISH PEN** — a fish enclosure made of closely woven bamboo screens, nylon screens or nets, or other materials attached to poles staked to the water bottom for the purpose of growing and/or culture of fish to various sizes in both fresh and salt water areas.
- x. **FISH PORT** — a harbor area where fish and other fishery products are unloaded, traded and/or inspected/checked, their appropriated fees paid before they are packed and shipped/flowed to their points of destination.

- y. FISH SANCTUARY – a protected water area where fish are able to spawn, feed and grow undisturbed and where fishing and other activities are absolutely prohibited.
- z. HULBOT-HULBOT – refers to a fishing gear consisting of a conical-shaped net with a pair of wings, the ends of which are connected to two (2) ropes with buri, plastic strips or any similar materials to serve as scaring/herding device with hauling ropes passing thru a metal ring permanently attached to a weight (lingot) when hauled into a fishing boat.
- aa. MARGINAL FISHERMEN – refers to individual engaged on subsistence fishing as their primary source of income and whose sale, barter or exchange of marine/aquatic products produced by himself and his immediate family do not exceed a gross value of forty thousand (P40,000.00) pesos per annum.
- bb. MONITORING CONTROL AND SURVEILLANCE (MCS) – refers to the system approved by His Excellency President Fidel V. Ramos through Administrative Order No. 201 to be implemented for the monitoring, surveillance and control of the fishery in the Philippines.
- cc. PA-ALING – refers to the fishing gear consisting of a set coral/shoal reel area whereby fish are driven towards the net by means of air bubbles produced by compressors, with the use of a motor boat and supported by airboats and to be used outside the 15 mm.
- dd. OPEN SEASON – refers to the period during which fishing of specific species of aquatic organism or products or the use of specified fishing gear is permitted in specified area or areas within the municipal waters as declared by the Municipal Mayor with the concurrence of the Sangguniang Bayan.
- ee. PERMIT TO DOCK – the permit granted to commercial fishing to dock on any port, pier, wharf, or quay within the municipality for purposes other than in direct support of the fishery except as noted in the terms and conditions thereon (i.e. to affload fish and re-supply only).
- ff. SANGGUNANG BAYAN – refers to the Sangguniang Bayan of Roxas.
- gg. SPORT FISHING – any fishing practice using hook and line solely for catching fish for tournaments where the fishermen may receive an award, financial or otherwise, and the catch may be used for personal consumption but will not be able to receive financial gain for resale of his/her catch.
- hh. TENURIAL USE RIGHTS OF FISHERMAN – the preferential rights conferred on marginal fishermen who have lived in the municipality for at least five (5) years to fish or conduct fishery activities with regards to the marine/aquatic resources, both inland or offshore, within said area. The duly registered fisherfolk organization and the cooperatives in the FARMC shall have the preferential right to be granted by the Sangguniang Bayan to erect fish corals, pens, cages, oyster, mussel or aquatic beds or bangus fry or fry of other species areas.
- ii. VESSEL LICENSE – refers to the authority issued by the municipal government to the fishing vessel three (3) gross registered tons or less to fish within municipal waters and is non-transferable.
- jj. THREE (3) GROSS REGISTERED TONS – the load capacity of the boat which includes the total aggregate weight of the vessel, engine and cargo;

ARTICLE IV – GENERAL PROVISIONS

SECTION 4. Division and Classification of Municipal Waters – the municipal waters shall be divided by barangay and the boundary shall be the territorial boundary of every barangay, also marine waters included between two(2) lines drawn perpendicular to the general coastline from points where the boundary lines of the barangay touch the sea at low tide and a third line parallel to the general coastline and fifteen (15) kilometers from the coastline of the outermost inhabited island of the municipality and shall also include inland waters of the barangay.

SECTION 5. Persons Eligible for fishing and/or Fishing Privilege.

a) The following are Under this ordinance eligible for fishing and/or fishery privileges within the municipal waters provided they do not utilize vessels more than three (3) gross tons.

1. Residents of the Municipality of Roxas who are Filipino citizens.
2. Partnership, associations or corporations duly registered under the laws of the Philippines and whose capital stock belong wholly to Filipino and residing at Roxas, Oriental Mindoro.
3. Cooperative duly registered in accordance with law and duly accredited with the municipal government.

b) It shall be unlawful for persons, cooperatives, partnership, associations or corporations not qualified by the law and this ordinance for that effect to engage personally or through other persons, through any means in fishing or catching or collecting aquatic products or engaging in any fishery activity in the municipal waters.

SECTION 6. Limit of Municipal Government "Bangus" fry or fry of other species reservations. The Municipal Fisheries and Aquatic Resources Management Council (MFARMC) shall determine definite zones within the municipal waters for the purpose of granting preferential fishing rights to association/cooperatives of marginal farmers duly registered as such at the MFARMC. Further, in addition to the aforementioned, that in the zoning for the construction of fish coral pens and cages or the culture of seaweeds, oysters, pearls and other shelled mollusk beds or the gathering of "bangus" fry or fry of other species the MFARMC shall set aside not more than one fifth (1/5) of the area designated for the gathering of fry, as may be designated by the Municipal Government as Government "Bangus" fry reservation.

SECTION 7. Exclusive Fishery Privilege. Operating fish corals, pens, cages, seaweed pearls, oyster and other culture beds, or the catching of "bangus" fry or fry of other species for propagation shall be considered as Exclusive Fishery Privilege which shall be granted preferably to organizations or cooperatives of marginal fishermen registered under the MFARMC, upon payment of half of the corresponding annual rental fee and the corresponding license fee as specified in the next preceeding paragraph and Section 24 of this ordinance. The granting of such privileges shall be in accordance with the provision of this section and is non-transferable.

The Sangguniang Bayan shall post in the Municipal Hall and at least two (2) other strategic places a notice to fisherfolks organization or cooperatives to apply for the granting of preferential rights the same notice shall be posted in at least two (2) strategic place in every fishing barangay and announce once a week for four (4) consecutive weeks. Interested intention to the Sangguniang Bayan to avail of the preferential right. Should two (2) or more groups signify their intent to avail of the right, the MFARMC shall accommodate them. If possible or consequently shall develop for the selection of qualified applicants.