

Only when no qualified applicants who have signified their intent to avail of the preferential right shall be Sangguniang Bayan invite other parties to participate in a public bidding to be conducted by the Committee on Auction in the process prescribed under Section 7 (c) of this Ordinance. The Sangguniang Bayan may then grant to the highest bidder the exclusive privilege of constructing and operating fish corals, pens and cages, seaweeds, pearls, oysters and other culture beds, or the gathering of bangus fry or fry of other species in municipal waters upon payment of the corresponding rental and license fees, provided, that if there is only one applicant then it is the decision of the Sanggunian to grant the application the bidding process shall be waived and only the rental fee and license fees shall apply.

Provided further, that the license granted for these Exclusive Fishery Privilege shall be for a period not exceeding three (3) years, except the license granted for gathering "bangus" fry or fry of other species which shall only be for a period of one (1) year. Provided furthermore, that these grants of Exclusive Fishery Privilege shall be under and comply with such conditions prescribed by the Sangguniang Bayan; Provided finally, that the rental fees to be collected for the exclusive privilege shall be the following:

- a.) For the privilege of erecting fish corals (baklad) an annual rental fee of P500.00 per fish coral;
- b.) For the privilege of catching or taking of "bangus" fry or kawag-kawag or fry of other species, an annual rental fee of P250.00 per family/household. In case of failure of bidding or negotiated contract.
- c.) For the privilege of establishing and maintaining fish cages, an annual rental fee of P500.00 per 500 square meters or fraction thereof;
- d.) For the privilege of erecting fish pens, an annual rental fee of P500.00 per 500 square meters or fraction thereof;
- e.) For the privilege of gathering/culturing oyster or shelled mollusk beds (i.e. kapis shells) an annual rental fee of P1,000.00 per 500 square meter area or any fraction thereof;
- f.) For the privilege of establishing and maintaining pearl culture, culture farms, an annual rental fee of P6,000.00 per 500 square meters or a fraction thereof;
- g.) For the privilege of establishing and maintaining seaweed farms, an annual rental fee of P125.00 per 500 square meters or a fraction thereof.

Except those specified zone determine by the MFARMC the privilege to gather, take or catch bangus fry, prawn fry or kawag kawag or fry of other species from the municipal waters by nets, traps or other imposition whatsoever.

SECTION 8. Restriction. License or Exclusive Fishery Privilege contracts issued shall in addition to being in compliance with the National Fisheries Code (R.A. 8550) contain provision to the

a) For the Fish Corals

1. No fish coral or "baklad" shall be constructed within 200 meters of another fish coral in marine fishery waters or 100 meters within fresh water fisheries unless they belong to the same lessee, but in no case shall the distance be less than 60 meters apart;
2. No fish coral shall be entirely opened during closed seasons for the free passage of fish for conservation purposes or for health reasons (i.e. red tide);
3. No fish coral shall be constructed within all approaches like bay anchorage areas, subports and beach resorts and those areas declared as sanctuaries or reserves;
4. The maximum size of each fish coral is 5,000 square meters in sea waters;

5. For oyster and other shelled mollusk culture beds:

1. The size of an area for the culture of shelled mollusk shall not be more than one (1) hectare for individual or not more than five (5) hectares for partnership, associations, corporations or cooperatives;
2. No area for the culture of shelled mollusk shall be established at a distance of less than 500 meters from each other.

b) For Fish Cages

1. No fish cage shall be constructed within 30 meters of another cage and no fish cage shall be permitted to obstruct the free passage of water for navigation;
2. The areas that may be granted for the construction of fish cages and fish pens are the following:
 - i) The size of the area for the operation of fish pens shall not be more than three (3) hectares for individual or not more than ten (10) hectares per partnership, association, corporation or cooperative;
 - ii) The size of the area of the operation of fish cages shall not be more than 200 square meters per individual or not more than 1,000 square meters

c) For all Exclusive Fishery Privilege Holders

1. Nothing in the contract shall be construed as permitting the lessee or grantee to undertake any construction which shall obstruct the free navigation in any stream or lake flowing through or adjoining the fish coral, pen or cage or culture bed or gathering of "bangus" fry or fry of other species or to impede the flow or ebb of the tide to and from the area where the lessee or grantee is conferred a fishery privilege or conflicts with another's water rights or steps on or destroy corals.

d) For License Holder of Vessels or Fishing Devices

1. No fishing within the 200 meters radius of any license fish coral, pen or cage.

SECTION 9. Fishermen's Licensing Registration System. All qualified fishermen applicants shall registered with the Municipal Government and shall be issued Fishermen Identification Cards. Upon completing the filling up application forms and payment of registration fees, and which they shall carry at all times when engaged in fishing operations and present and surrenders whenever requested by the Bantay Dagat personnel and other duly authorize law enforcement officer; Provided, that this fishermen license shall be valid for one (1) year, renewable annually upon a favorable review compliance, based upon the guidelines properly reviewed and recommend by the Office of FARMC and the Licensing Division of the Municipal Agriculture Offices.

SECTION 10. Vessel License. All fishing boats/vessels three (3) gross tons or less operating the municipal waters shall require a license issued by the Municipal Government after the owners complied will all the requirements prescribed by the Municipal Government of Roxas in Revised Revenue Code page 121.

SECTION 11. Fish Ports. The Municipal Government shall determine and designate fish ports where all fishing vessels shall dock and unload their catch which shall be inspected by duly authorized fish wardens for violation of subsisting fishery laws and for assessment of

auxiliary invoices and other prescribed fees before being sold, packed or transported to their destination; Provided that fish dealers/traders making use of the municipal as transshipment point shall unload their cargoes on said fishports for same purpose before being transported by water, land or by air.

SECTION 12. Fisheries and Aquatic Resources Management Council (FARMC). Pursuant to Executive Order 240 Fisheries and Aquatic Resources Management Council shall be created by all barangays called the BFARMC and by the Municipality of Roxas called the MFARMC.

a) The regular members of the MFARMC shall be :

1. Municipal Planning & Development Officer, Chairperson of the Sangguniang Bayan Committee on Food and Agriculture;
2. Municipal Agriculturist, Municipal Agricultural Officer
3. Representative from an accredited non government organization based in the municipality
4. Representative from the Municipal Planning and Development Council
5. Representative from the private sector
6. At least ten (10) representative of the fisherfolk inclusive of the chairperson of every barangay FARMC in the Municipality including the representatives from the youth and women sector

b) The regular members of the BFARMC shall be:

1. The chairman of the Sangguniang Barangay Agriculture/Fisheries Committee
2. Representative from an accredited non-government organization
3. Representative from the private sector
4. At lease eight (8) representatives from the fisherfolks including the Youth and the Women sector

Provided, that both FARMC's shall adopt rules and regulations necessary to govern its proceedings and election; Provided further, that the FARMC shall have the following primary functions:

1. Prepare and recommend the Fisheries and Aquatic Resources Management, policies and the plans for integration into the Fishery management plan, the former also being utilized by the M/BFARMC as part of the monitoring control and surveillance (MCS) implementation of the cold system;
2. Recommend to the Municipal Government and special agencies on the development and the issuance of license, exclusive, fishery and other permits in the appropriate user of fisheries and aquatic resources and to ensure that the resources use limits and controls are imposed. Such recommendation may include the evaluation of the projects and application by BFARMC. In their areas of coverage, and which shall serve as the basis of the Environmental Impact Study, prior to the approval of appropriate offices.

Provided further, that BFARMC members shall undergo training and shall be deputized by the Municipal Government and Fish Wardens and Environmental and Natural Resources Officer; Provided furthermore, that technical assistance shall be extended whenever necessary by the Department of Agriculture (DA), Department of Environment and Natural Resources (DENR), Department of Interior and Local Government (DILG), Department of Justice (DOJ), Commission on Human Rights (CHR) and other government agencies.

SECTION 13. License Control and Fishery Inventory. In recognizing the fragile nature of the fisheries and resources in the Municipality of Roxas the Municipal Government shall recognize the

principle of Limited Access or limit the level of fishing effort through limited licensing, commencing in January, 2001. This shall be enforced until appropriate scientific assessment of the fish stock can be made in the municipal waters to determine the sustainable harvesting level. For this purpose the financial and technical assistance of appropriate private and public agencies shall be solicited.

- SECTION 14. **Vessel Identification.** To ~~ease~~ Identification of fishing boat from different barangays all municipal vessels licensed to operate the municipal waters shall be identified through or by numbering system to paint a diagonal blue stripe three feet back from the bow on each side from gunnel to the waterline and extending horizontally for a distance of three feet.
- SECTION 15. **Water Zoning.** The Municipal Government through the Sangguniang Bayan with the recommendation of the MFARMC, and in accordance with National Fisheries, policies shall enact a Water Zoning Ordinance which shall determine the use of the municipal waters by delineating the zones/areas for specific activities such as aqua culture, communal fishing grounds, navigational lanes, tourist belt recreation and sports fishing areas, fish/marine sanctuaries and reserves and other uses promoting the sustainable development of the Municipality of Roxas.
- SECTION 16. **Powers of the Municipal Executive.** In line with the Memorandum of Agreement between the Department of Agriculture and the Department of Interior and Local Government dated April 5, 1994 devolving to the latter certain functions, the Municipal Executive with the concurrence of the Sangguniang has the power to declare closed and open seasons, and areas as over fished with the recommendation of the FARMC and the MFARMC and other competent bodies/agencies.

ARTICLE V – PROHIBITION

- SECTION 17. **License Exclusive Fishery Privilege and Auxiliary Invoice.** It shall be unlawful for any individual, cooperative, partnership, association or corporation to take or catch fish and other marine and aquatic products by means of nets, traps, or other fishing gears in the waters of this municipal or by means of fishing boats or vessel three (3) gross registered tons or less, unless provided with the necessary license permit approved for the purpose by the Municipal Mayor. Provided, that no fishing vessels of more than three (3) registered tons or smaller vessels as part of a fishing unit with a vessel in excess of three (3) gross registered tons as mother ship, shall search for attempt to catch or gather fishery species within the 15 km limit of the municipal waters.

Provide, further, that commercial fishing vessels which dock in the municipal for other purposes not in direct support of fishery except as noted in the terms and conditions thereon (i.e. afloat fish and re-supply only) shall procure a Permit to Dock from the Municipal Government upon payment of appropriate fees, said permit which must always be presented upon inspection; provided, furthermore, that when operating under a permit to dock the commercial fishing vessel shall, while transiting municipal waters store all fishing gears on board the vessel so that it is not readily available for fishing.

It shall likewise be unlawful for any individual, cooperative, partnership, association or corporation to operate fish corrals, pens and cage culture pearl, sea weeds oyster and other shelled mollusk or catch "bangus" fry or fry of other species for propagation purpose with in the territorial jurisdiction of the municipal without first securing an exclusive fishery privilege conferred therefore as provided by law and this Ordinance.

Further, it shall be unlawful for any individual, cooperative, partnership or corporation to transport fish and other aquatic products without securing an auxiliary invoice and paying the required fees and charges therefore.

Furthermore, it shall be unlawful for any individual, cooperative, partnership, association or corporation to use a boat three (3) gross registered tons or less without a vessel license issued by the Municipal Government. Discovery of any person in an area where he has no permit or registration papers for a fishing vessel shall constitute a *prima facie* presumption that the person and/or vessel is engaged in illegal fishing.

Finally, it shall be unlawful for any individual to attempt to catch fish without a fisherman's license.

SECTION 18. **Prohibition on Fishing Gears, Paraphernalia or Methods not allowed by law.** It shall be unlawful for any individual, partnership, cooperative, association or corporation to carry on boat or use fishing gears or methods not allowed by existing fishery laws and this Ordinance, such as *Paling Hulbot Hulbot*, provided, that *baling* and *baby trawl* are declared unlawful by this ordinance; provided, further that possession of a *bet* on board the fishing vessel during this fishing operations with a mesh size less than three (3) cm when stretched except those provided in Fishery Administrative Order (FAO) 155, shall constitute an offense, provided, furthermore, that the use of compressors in the fishery municipal waters is regulated for conservation and ecological reasons by requiring such paraphernalia to be registered by the owner/operator upon payment of the required fee.

SECTION 19. **Prohibition on Access by Fishing Boats / Vessels from Municipalities other than Roxas.** It shall be unlawful for fishing boats/vessels from the municipalities other than to search for attempt to catch or gather fish within the municipal waters, without a current agreement between the Municipal Mayor and Mayor from adjoining municipalities for reciprocal access by from respective fisher persons on the other municipal waters; Provided that in no circumstances shall this access to fish be granted to vessels from provinces other than Roxas, Provided, further that the vessel patrol/owner shall procure the necessary fisherman's license, vessel license and /or permit for the use of fishing gear paraphernalia; Provided, furthermore that those individual or entities currently with this privilege granted by other municipalities shall procure a clearance only from the Municipal Government.

SECTION 20. **Sports Fishing.** No person may engage in recreation and sports fishing without first securing a license and/or permit from the municipal government.

SECTION 21. **No Mangrove Conversion.** In line with the Strategic Environmental Plan (SEP) for the Municipality of Roxas, Oriental Mindoro as mandated by RA 7511, the conversion of mangrove into fishponds or for any other purpose is totally banned in the Municipality of Roxas.

SECTION 22. **General Prohibition.** It shall be unlawful for any individual or entity to contravene any section of this Ordinance not especially noted in this article.

ARTICLE VI – LICENSE FEES AND CHARGES

SECTION 23. **License Fees for Exclusive Fishery Privilege of Erecting Fish Corals, Pens and Cages, Seaweeds, Pearls, Oysters and other Culture beds or Catching Bangus Fry or Fry of Other Species.** The Sangguniang Bayan is authorized to grant the privilege of erecting fish corals, pens and cages operating oyster, pearl, seaweeds or other culture beds or catching bangus fry or fry of other species within the Municipal Waters preferably to cooperative/organizations or individuals or marginal fishermen registered under the MFARMC fees thereof all the rates fixed hereunder.

a. **Fish corals erected in the Sea:**

1. Less than 3 meters deep – P400.00
2. 3 meters deep or more, but not less than 5 meters deep – P500.00

3. 5 meters deep or more, but not less than 8 meters deep - P1,000.00
 4. 8 meters deep or more, but not less than 10 meters deep - P1,600.00
 5. 10 meters deep or more, but not less than 15 meters deep - P1,800.00
 6. 15 meters deep or more - P2,000.00
- b. Fish corals in Inland Fresh Waters
1. Less than 500 square meters - P200.00
 2. 500 square meters or more, but not less than 1,000 square meters - P400.00
 3. 1,000 square meters or more, but not less than 5,000 sq. meters - P720.00
 4. 5,000 sq. meters or more, but not less than 10,000 sq. meters - P1,000.00
 5. 10,000 sq. meters or more - 1,600.00
- c. Fish Cages -
Per 100 square meters - P1,000.00
- d. Oysters and other Shelled-Mollusk Culture Beds

Per hectare - P350.00
- e. Bangus fry or fry of other species
1. Less than 2,000 square meters - P550.00
 2. 2,000 square meters or more, but not less than 4,000 sq. m. - P1,600.00
 3. 4,000 sq. meters or more, but not less than 6,000 sq. m. - P2,500.00
 4. 6,000 sq. meters or more, but not less than 8,000 sq. m. - P3,200.00
 5. 8,000 sq. meters or more - P4,000.00
- f. Fish Pens
Per hectare - P10,000.00
- g. Seaweeds Farm
Per 500 sq. meters - P1,000.00
- h. Pearl Culture Farm
Per 500 sq. meters - P6,000.00
- i. other methods of catching fish fry or fry of other species - P10.00/year/individual
(Tora-tora, sagap, trawl etc.)

SECTION 24. License Fees for Fishing Gears. The Privilege of taking or catching fish in the municipal waters of Roxas with nets, traps or other licensed fishing gears or paraphernalia, with or without, therefore a fishing boat/vessel three (3) gross tons or less, shall require a license issued by the Municipal Mayor to any person, cooperative, association or corporation, qualified under Section 5 of this Ordinance, recognizing the principle of conversion and upon payment of the corresponding fees enumerated below:

GENERAL SCHEDULE OF LICENSE FEES

Kinds of Fishing Gear	License Fee Per Year
a. Fishermen using net	P100/year
a. Panti Palubog	P50.00
b. Pabbas	- 40.00
c. Largarete	- 40.00
d. Sarap	- 100.00
e. Panapao	- 30.00