



Republic of the Philippines
Province of Oriental Mindoro
MUNICIPALITY OF ROXAS

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE JOURNAL OF THE 63RD REGULAR SESSION OF THE 9TH SANGGUNIANG BAYAN OF ROXAS, ORIENTAL MINDORO HELD ON 13 NOVEMBER 2017, 11:30 A. M. AT THE SANGGUNIANG BAYAN SESSION HALL

Present:

Vice Mayor Cesar T. Baticos	- Presiding Officer
Councilor Juanito A. Bacay, Jr.	- Member
Councilor David D. De La Cruz	- Member
Councilor John John S. Yason	- Member
Councilor Agustin L. Cusi	- Member
Councilor Ruel S. Taytay	- Member
Councilor Eduardo K. Soriano	- Member
Councilor Gualberto V. Magno	- Member
Councilor Joseph M. Galicia	- President, Liga ng mga Barangay

Absent: N O N E

RESOLUTION NO. 085

Series of 2017

RESOLUTION ENACTING AN ORDINANCE ESTABLISHING "PAHINGANG PANGISDAAN" FOR THE MANAGEMENT AND CONSERVATION OF SMALL PELAGIC FISHES IN THE MUNICIPAL WATERS OR ROXAS, ORIENTAL MINDORO, PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES

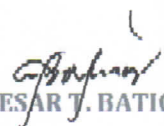
WHEREAS, fishing is one of the major source of livelihood of coastal communities in the entire Oriental Mindoro;

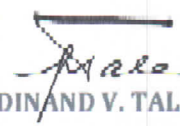
WHEREAS, the research conducted by the Provincial Government and Malampaya Foundation, Inc. have confirmed the complaint and observations by the fisherfolk communities that fisheries resources, particularly small pelagic species have dwindled dramatically;

WHEREAS, this dramatic decline was traced to over-fishing, intrusion of commercial fishing in municipal waters, catching of juvenile fish and lack of regulatory mechanisms on illegal, unreported and unauthorized fishing in municipal waters;

WHEREAS, implementation of closed season has been identified and unanimously recommended by all stakeholders to allow fish stock to rest, reproduce and recover from continuous fishing pressure;


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WHEREAS, the period of November 15 to January 15, especially at the onset of new moon, was identified as the most opportune time to implement said closed season;

WHEREFORE, in view of these premises, the Sangguniang Bayan of Roxas, Oriental Mindoro joins all neighboring municipalities comprising the Province of Oriental Mindoro in promulgating the following UNIFIED MUNICIPAL FISHERIES ORDINANCE ON CLOSED SEASON for the management and conservation of fishery and aquatic resources pursuant to Section 2 (c) and (f), 4(8), (10), 9, 16 (and Rule 16.7, IRR), 95, and 100 of the Fisheries Code (R.A. No. 8550, as amended by R.A. No. 10654), and Chapter II, Section 17 (2-i), Chapter III Article I, Section 26, Article II Section 149 (b-3), Article III Section 458 (I VI), Section 447 (2 XI) of the Local Government Code (R.A. No. 7160).

UNIFIED MUNICIPAL FISHERIES ORDINANCE NO. 07
Series of 2017

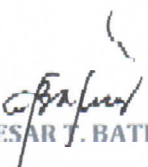
ESTABLISHING "PAHINGANG PANGISDAAN" FOR THE
MANAGEMENT AND CONSERVATION OF SMALL PELAGIC
FISHES IN THE MUNICIPAL WATERS OF ROXAS, ORIENTAL
MINDORO, PRESCRIBING PENALTIES THEREFOR, AND FOR
OTHER PURPOSES

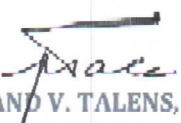
Section 1. Goals. The long-term goal is to ensure food security for municipal and commercial fisheries by restoring the health of small pelagic fishes to achieve maximum sustainable yield.

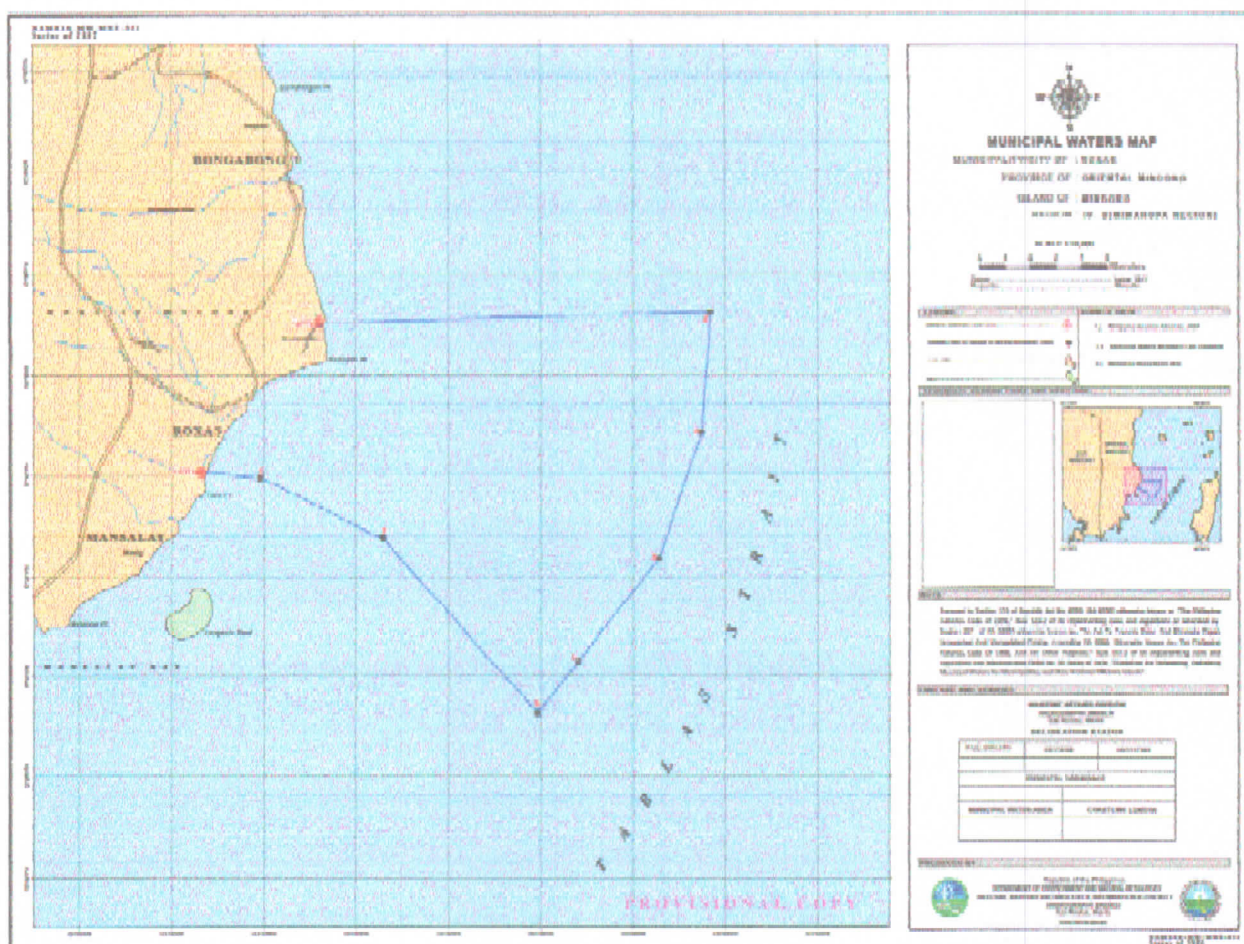
Section 2. Objectives. The objective of this ordinance is to increase the reproductive capacity, breeding and spawning potential, and recruitment of small pelagic fishes during the closed season.

Section 3. Scope. The closed season shall cover fishing grounds in Roxas, Oriental Mindoro, with a total area of 0.16965 square kilometres or 16,965.92 hectares (ha), more specifically described below:


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TECHNICAL DESCRIPTION OF THE MUNICIPAL WATERS OF THE MUNICIPALITY OF ROXAS, PROVINCE OF ORIENTAL MINDORO

This is to certify that pursuant to and subject to the exclusion clause of Section 4(58) of RA 8550, otherwise known as the Philippine Fisheries Code of 1998, and as amended by section 4(66) of RA 10634, otherwise known as An Act to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, amending RA 8550, and for other purposes, the municipal waters of the Municipality of Roxas, Province of Oriental Mindoro are bounded by the general coastline of the municipality and the lines described as follows:

Point	LUZON DATUM		Remarks
	Latitude	Longitude	
Beginning at 1	12° 37' 04"	121° 33' 12"	Coastal terminal point with Bongabong, mouth of Dayhagan River
thence 2	12° 37' 16"	121° 41' 41"	
thence 3	12° 34' 50"	121° 41' 29"	
thence 4	12° 32' 22"	121° 40' 34"	
thence 5	12° 30' 18"	121° 38' 49"	
thence 6	12° 29' 15"	121° 37' 56"	
thence 7	12° 32' 45"	121° 34' 35"	
thence 8	12° 33' 56"	121° 31' 56"	
thence 9	12° 34' 04"	121° 30' 38"	Coastal terminal point with Mansalay, mouth of Ambongolan Creek
thence following the coastline to 1			

The implementation of the closed season shall be uniformly implemented annually for at least three (3) years effective from the approval of this ordinance: Provided that, unless repealed or modified based on scientific evidence and/or consultation with (and CONCURRENCE) of the concerned Fisheries and Aquatic

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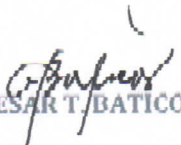
Resources Management Council (FARMC), this ordinance shall continue to be implemented in the succeeding years thereafter.

The closed season shall cover all types of commercial and active fishing gears, such as, but not limited to, bag net, purse seine, ring net, as well as beach seine, used in the municipal waters of Roxas, Oriental Mindoro.

Section 4. Definition.

- a) Closed Season – the period during which the taking of specified fishery species by a specified fishing gear is prohibited in a specified area or areas in Philippine waters;
- b) Commercial Fishing – the taking of fishery species by passive or active gear for trade, business and profit beyond subsistence or sports fishing, to be further classified as:
 - 1. Small scale commercial fishing – fishing with passive or active gear utilizing fishing vessels of 3.1 gross tone (GT) up to twenty (2) GT;
 - 2. Medium scale commercial fishing – fishing utilizing active gears and vessels of 20.1 GT to one hundred fifty (150) GT; and
 - 3. Large scale commercial fishing – fishing utilizing active gears and vessels of more than one hundred fifty (150) GT.
- c) Active fishing gear – is a fishing device characterized by gear movements, and/or the pursuit of the 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 (*galadgad*/Norway), purse seines (*pangulong*), ring net (*likom/pangulong*), bag nets (*basing*), drive-in net (*pauling/kayakas*), motorized push net and beach seine (*pukot*), specifically described below:
 - 1. Bagnet – is a type of fishing gear resembling an inverted mosquito net where the net is lowered under the boat and lifted by series of pull ropes to the deck of the boat. The fishing operation utilizes surface and/or submerged lights, either incandescent, light emitting diode or halogen bulbs to attract school of fish;
 - 2. Ring net – is a type of surrounding net having a line at the bottom passing through rings attached to the net which can be drawn or pursed. The net is hauled either manually or mechanically using winch. The bunt or bag is located at the center of the net;
 - 3. Purse seine – a type of fishing gear made of long wall of netting framed with floatline and leadline, and having purse rings hanging from the lower edge of the gear through which runs a purse line made


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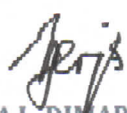

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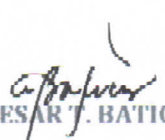
from steel wire or rope that allows the pursing of the net. The net is set around a detected school of fish. After that, the net is closed underneath the school by hauling the purse line running through the rings. It is commonly operated using hydraulic winch, power block and fish finding equipment.

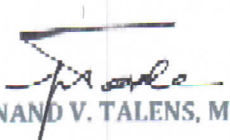
4. Trawl – is a method of fishing that involves pulling a large, cone-shaped fishing net drawn on the bottom or mid-water by one or more boats. The cone-shaped body ends in a bag or coded. The horizontal opening of the gear while it is towed is maintained by beams, otter boards or by the distance between two rowing vessels (pair trawling). Floats and weights and/or hydrodynamic devices provide for vertical opening. Two parallel trawls might be rigged between two otter boards (twin trawls). The mesh size in the codend or special designed devices is used to regulate the size and species to be captured.
- d) Small pelagic species – are fishes that live near the surface or in the water column of coastal, ocean, usually caught by both commercial and municipal fishing gears like bagnet, ringnet, and other modified fishing gears of similar fishing operations. Small pelagic fishes shall include but not limited to variety of mackerel species under genus *Rastrilleger*, known under their local names of "karabalyas", "kabalyas", "hasa-hasa", "buraw", "andulaw", "kapisnon", "lumahan" and "anduhan"; variety of roundscad species under the genus *Decapters*, known under their local names of "galonggong", "moro-moro", "borot", "alumahan", "budburon", "burot-burot", and variety of big eye scad species under the genus *Selar*, known under their local names of "matang baka", "atulay", "matambaka", "tamarong" and "budlatan";
- e) Municipal Fishing – refers any fishing activity within municipal waters using fishing vessels of three (3) gross tons or less, or fishing not requiring the use of fishing vessels.

Section 5. Closed Season Prohibition. There is hereby declared a closed season for small pelagic fish species including their juveniles for the period of November 15, 2017 to January 15, 2018 and every such period annually thereafter. Without prejudice to the provisions of the Fisheries Code, as amended, and the powers of Municipal and City Governments to regulate the use of active fishing gears and commercial fishing in municipal waters, the operation of all types of commercial fishing vessels and active gears used in fishing for small pelagic fish species is hereby prohibited in the entire municipal waters of Roxas, during the closed season.

Section 6. Penalty. Violations of Section 5 of this Ordinance shall be penalized under Section 100 of the Fisheries Code, as amended on fishing during closed season, without prejudice to liabilities under other relevant laws, rules, regulations and ordinances. Provided that, maximum penalty shall be imposed on violators who are not registered in the Official Registry of


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Fisherfolk of the Municipality. Provided further that maximum penalty shall be imposed also to violators who shall be in possession and/or actually using compressors in fishing during closed season without prejudice to other liabilities for possession and/or actual use of compressor in fishing under laws, rules, regulations and ordinances now existing or hereafter may be promulgated by competent authorities.

Section 7. Administrative Sanction. Violation of this Ordinance may be subject to administrative liability, the amount of which shall be based on the applicable provisions provided under R. A. No. 10654 on administrative fines. The procedures, rules and regulations in the conduct of administrative adjudication shall be determined by the Administrative Adjudication Committee created for this purpose.

Provided that the administrative fine for possession and/or actual use of compressors in fishing shall be twice the market values of the fish catch or Five Thousand Pesos (P5,000) whichever is higher, Provided, further that, maximum penalty may be imposed on violators who are not registered in the Official Registry of Fisherfolk of the Municipality.

Section 8. Creation of Municipal Fisheries Administrative Adjudication Committee. The Municipal Fisheries Administrative Adjudication Committee is hereby created to hear, decide and impose administrative fines against acts or omissions committed in violation of this ordinance and other fishery ordinance of the municipality. It shall be composed of the Mayor as Chairperson, the Vice Mayor, Sangguniang Bayan Committee Chair on Fisheries, Municipal Agriculturist or his duly designated representative, representative of the municipal fisherfolk in the MFARMC, and representative of the commercial fishing sector in the FARMC.

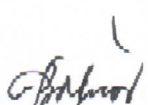
Section 9. Powers and Functions of the Administrative Adjudication Committee.

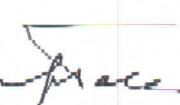
The Administrative Adjudication Committee shall have the following powers and functions:

- a) Promulgate rules and regulations for conduct of administrative adjudication and the disposition of confiscated catch, gears, equipment and other paraphernalia;
- b) Issue *subpoena duces tecum* and *ad testificandum* in administrative cases before it and cite in contempt person who shall ignore such subpoena;
- c) Authority to issue notice of violation and other confiscation;
- d) Hear, decide and impose administrative fines.

Section 10. Assistance to Affected Fisherfolk, Fishing Operators, and Fish Workers. The Office of the Municipal Agriculturist shall, in coordination


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with the Municipal Social Welfare and Development Office, identify persons and families directly affected by this Ordinance on the official registry of fisherfolk, fish workers and operators. A comprehensive program on alternative livelihood shall be designed and implemented during the implementation of this Ordinance.

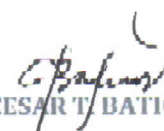
Section 11. Bantay Dagat Fund. The Bantay Dagat Fund is hereby established to enhance the budget for conservation, protection and regulation of fisheries activities in the municipal waters of Roxas. The Fund shall be administered by the Municipal Agriculture Office as a special account in any government financial institution.

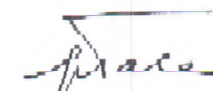
It shall be funded from the Annual Appropriation Ordinance of the municipality beginning the next budget year. For purposes of establishing the Trust Fund, an initial amount of One Hundred Thousand Pesos (P100,000.00) is hereby appropriated. This amount shall be automatically included in the succeeding annual budget of the municipality, provided that such amount may be increased but shall not be decreased. Additionally, administrative fines and penalties imposed under this ordinance, proceeds from the sale of forfeited fish, fishing gears, paraphernalia and fishing vessels, and contributions in the form of endowments, grants and donations to the fund, which shall be exempted from donor and other taxes, charges or fees imposed by the government shall also inure to the Bantay Dagat Fund.

The Fund shall be exclusively utilized as follows:

- (a) Ten percent (10%) for the purchase, maintenance and operation of municipal patrol boats;
- (b) Ten percent (10%) for litigation expenses, travel cost of witnesses and other litigation-related costs, including defense of Bantay Dagat members who are sued by reason of their duties and functions;
- (c) Forty percent (40%) for operating cost of Bantay Dagat such as, but not limited to, honoraria, medical and insurance expenses for sickness or injury, training and capacity building, and indemnity for death;
- (d) Ten percent (10%) for office supplies and enforcement gadgets;
- (e) Twenty percent (20%) scholarship for children of fisherfolks and fishworkers in fish catch, aquaculture, fishing and fish processing; and
- (f) Ten percent (10%) for livelihood assistance for poverty alleviation and production enhancement.


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Section 12. Review and Adjustments. The implementation of the closed season shall be closely monitored and analyzed by experts of the Bureau of Fisheries and Aquatic Resources (BFAR), National Fisheries Research and Development Institute, Mindoro State College of Agriculture and Technology, other academic institutions, and industry experts. Three months prior to the start of each closed season, the Local Chief Executive may, upon the recommendation of the Inter LGU Coordinating Group created in Section 7 hereof, adjust the closed season for that year, which may begin at new moon on the month of November and end at new moon on the month of January, and shall issue joint advisory for this purpose; Provided, that the new period shall be in synchrony with all other local government units implementing Closed Season. Provided further that, in the absence of such advisory, the closed season shall begin on November 15 and end on January 15.

Section 13. Implementation Arrangement; Membership in Inter-LGU Coordinating Group. Each Municipal or City Government shall enforce this ordinance in their respective municipal waters. Provided that, to ensure proper coordination and collaboration, the Municipality shall join an Inter-LGU Coordinating Group (ILCG) which shall be created and coordinated at the provincial level for purposes of conducting continuous and coordinated monitoring, research, and review, and provide recommendations to concerned Municipal/City Mayors and Sangguniang Bayan to make the necessary policy adjustments in the implementation of Closed Season in their respective municipal water.

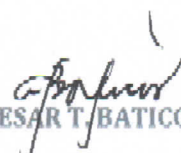
Section 14. Law Enforcement; Municipal Bantay Dagat Task Force. The Municipality shall lead in the enforcement of this Ordinance, providing necessary operational and logistical funds therefor. Pursuant to Section 156 of the Fisheries Code, as amended by R.A. No. 10654, there is hereby created a Municipal Bantay Dagat Task Force with the following compositions:

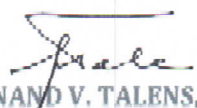
1. Municipal Fisheries Officer
2. Local PNP
3. PNP-Maritime Group
4. BFAR
5. Philippine Navy
6. Deputized Bantay Dagat as members

The Municipal Bantay Dagat Task Force shall be headed by the Municipal Fisheries Officer. It shall be responsible for monitoring, surveillance, apprehension, seizure and filing of cases.

Section 15. Repealing Clause. All ordinances, local issuances, resolutions or rules and regulations or parts thereof which are inconsistent with the provisions of this Ordinance is hereby amended, repealed or revoked accordingly.


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Section 16. Effectivity. This Ordinance shall take effect fifteen (15) days after posting in the Municipal Hall, Barangay Halls of all affected barangays and in other conspicuous places.

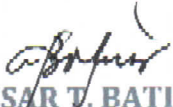
On motion of Councilor Juanito A. Bacay, Jr. duly seconded by Councilors Ruel S. Taytay, Gualberto V. Magno, John John S. Yason and Joseph M. Galicia this Ordinance is hereby ENACTED.

Adopted: 13 November 2017

CERTIFIED CORRECT:


FERDINAND V. TALENS, MPA
Secretary to the Sangguniang Bayan

ATTESTED:


CESAR T. BATICOS
Municipal Vice Mayor

APPROVED:


VIOLETA L. DIMAPILIS
Municipal Mayor
Date: _____