



REPUBLIC OF THE PHILIPPINES
City of San Carlos, Negros Occidental

OFFICE OF THE SANGGUNIANG PANLUNGSOD

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD HELD ON THE 26TH DAY OF OCTOBER, 2017 AT 3:15 P.M. AT THE SP SESSION HALL, THIS CITY

PRESENT:

Hon. RENATO Y. GUSTILO,	Vice Mayor /Presiding Officer
“ BENITO Y. GUSTILO, JR.,	SP Member
“ CHRISTOPHER PAUL S. CARMONA,	SP Member
“ MARI-CAR O. QUISUMBING,	SP Member
“ JOSE CARLOS L. VILLARANTE,	SP Member
“ VICTORIANA C. CABILI,	SP Member
“ MARK E. CUI,	SP Member
“ CLINT S. MANSUETO,	SP Member
“ JONIE S. UY,	SP Member
“ ALEXANDER Y. ONGTIAOBOK,	SP Member
“ CARLITO S. LASTIMOSO,	SP Member (ABC Representative)

ABSENT:

Hon. WILMER L. YAP,	SP Member
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ORDINANCE NO. 17-56

THE 2017 FISHERIES AND COASTAL RESOURCE MANAGEMENT CODE OF SAN CARLOS CITY, NEGROS OCCIDENTAL

Introduced by: Hons. ONGTIAOBOK, CUI, MANSUETO AND VILLARANTE

WHEREAS, RA 8550 as amended, the city government is vested with the jurisdiction over its city territorial waters and is responsible for the management, conservation, development, protection, utilization, and disposition of all fish and fishery/aquatic resources within its municipal waters;

WHEREAS, the marine ecosystem serves as the reservoir of larvae of both demersal and pelagic species in and around the city waters of San Carlos City and serves as a vital link for the propagation of valuable marine species;

WHEREAS, in the course of the implementation of coastal and fisheries resources management programs and based upon scientific research and studies, participatory coastal resources assessment, series of consultations and workshops with the stakeholders under the auspices of the San Carlos City Fish Forever Program, it has been established that the goal of the city to achieve food security and alleviate poverty in the fishery sector is best met by promoting and strengthening the preferential use rights in fisheries and the inherent responsibility of the marginal fisher folks to conserve and protect the fisheries and aquatic resources within the city waters upon which their livelihoods depend on it;

WHEREAS, city waters requires the regulation of the traditional and present fishing practices of the fisher folks that could lead to extinction of some vital species and that threaten food and livelihood sustainability;

WHEREAS, the city government finds it imperative to promulgate a more effective regulation of coastal and fisheries resources within the city water to ensure the rational and sustainable utilization, management, development, conservation and protection of its fisheries and aquatic resources;

NOW, THEREFORE, be it ordained by the Sangguniang Panlungsod of the City of San Carlos, Negros Occidental in regular session assembled that:

Section 1. TITLE. – This ordinance shall be known as “*The 2017 Fisheries and Coastal Resource Management Code of San Carlos City, Negros Occidental*”.

Section 2. DECLARATION OF POLICIES. – It is hereby declared the policy of the City Government of San Carlos City to:

- a) Protect and manage the coastal and aquatic resources in the territorial waters of San Carlos City in accordance with the Fisheries Code and the Local Government Code in order to achieve a balance and sustainable marine and fisheries eco-system;
- b) Protect the rights of small and marginal fishers in the city;
- c) Strengthen the community-based coastal resource management of the city;

Section 3. COVERAGE – This ordinance shall cover all the territorial waters within the jurisdiction of the City of San Carlos.

Section 4. DEFINITION OF TERMS:

A. The following terms used in this ordinance shall mean:

1. **Artificial Coral Reef** – A man-made reef that tends to attract fishes and organisms in marine eco-system of the city.
2. **CFARMC** – refers to the City Fisheries and Aquatic Resources Management Council.
3. **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.
4. **Commercial Fishing** - The taking of fishery species by passive or active gear for trade, business or profit beyond subsistence or sports fishing using commercial fishing boats in excess 3.0 gross tons (GT) within an area bounded by the outer limit of the municipal waters, fishery management areas or other areas reserved for exclusive use by municipal fishers and extending to or beyond the country’s 200 mile exclusive economic zone. It is to be further classified as:
 - 4.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;
 - 4.b Medium scale commercial fishing – fishing utilizing active gears and vessels of 20.1 GT up to one hundred fifty (150) GT; and
 - 4.c Large scale commercial fishing – fishing utilizing active gears and vessels of more than one hundred fifty (150) GT..
5. **Community Service** – administrative penalty imposed under this ordinance.
6. **Fine Mesh Net** - all nets/webbing whether made of whatever materials used in fishing, with a mesh size less than three (3) centimeters measured between two (2) opposite knots of full-meshed when stretched.
7. **Fish and Fishery/Aquatic Products** - shall include all crustaceans (crabs, prawns, shrimp and lobsters), mollusks (clams, mussels, scallops, oysters, snails and other shellfish species), and other aquatic products, seawater and freshwater animals or other products of aquatic living resources or parts thereof in whatever form whether fresh, chilled, frozen or processed, including but not limited to seaweeds, squalene and blubbers intended for human consumption.
8. **Fishery Operator** - one who owns and provides the means including land, capital, fishing gears and vessels, but does not personally engage in fishery.
9. **Fish fingerling** – a stage in the life cycle of the fish, measuring to about 6-13 centimeters, depending on the species
10. **Fish fry** – a stage in the life cycle of fish usually with sizes from 1- 2.5 cm
11. **Fish pot (bobo)** – a device made of bamboo splits, rattan or screen woven together for easy entrance and difficult exit of the fish
12. **Fisherfolk** – men or women indirectly and directly engaged in taking and/or culturing, processing, and vending of fishery and/or aquatic resources of municipal waters of San Carlos City.
13. **Gross Tonnage** - the product of vessel tonnage length, tonnage depth, and tonnage breadth modified by a factor of 0.70 divided by 2.83.

14. **Homeport** - refers to the municipality or city where the fishing vessel is registered.
15. **License/permit** – is a document issued by the city government allowing an applicant to fish or to use the city territorial water as regulated in this ordinance.
16. **Managed Access Area (MAA)** – refers to the delineated area within the city waters of San Carlos set aside by an ordinance in order to conserve and protect the habitat and species against destructive, exhaustive and other unsustainable fishing activities through the establishment of specific rules and guidelines for no take zone (NTZ) and Sustainable Capture Fisheries Zone (SCFZ).
17. **Management zone** – is a defined area within the municipal waters delineated for specific management objectives.
18. **Marginal Fishermen** - refers to an individual engaged in subsistence fishing which shall be limited to sale, barter or exchange of marine products caught or produced by himself and his immediate family, whose annual net income from such fishing does not exceeds Fifty Thousand (P50,000.00) pesos or the poverty line established by NEDA for the particular region or locality, whichever is higher.
19. **Marine Protected Area** - means a defined area of the sea established and set aside by law, administrative regulation, or any other effective means in order to conserve and protect a part of or the entire enclosed environment through the establishment of management guidelines. It is considered a generic term that includes all declared areas governed by specific rules or guidelines in order to protect and manage activities within the enclosed area.
20. **Marine Sanctuary** - a designated area within the marine protected area where fishing is prohibited and human access may be restricted and is characterized by high productivity and/or high biodiversity.
21. **Multiple-Use Zone** - the area which extends 500 meters seaward from the point where the water touches the shoreline during the highest high tide recorded in both the mainland and around Sipaway Island which has several resource users.
22. **NNARMAC** - refers to the Northern Negros Aquatic Resources Management and Advisory Council.
23. **Protected Area** - land and water area set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation.
24. **Rights-based Management** – is fishery management strategy anchored on the promotion and strengthening of the preferential use rights of marginal fisherfolks over near shore fisheries commonly known as municipal waters
25. **Snorkeling** – refers to swimming with the use of snorkel and mask observing or sight-seeing or viewing the beauty of natural wonders of marine and aquatic life
26. **Snorkeling area** – refers to the designated area for snorkeling
27. **Special Fisheries Management Zone** - a legally delineated area in the marine waters that combines the development and protection of 1) a fishery management area where applicable harvest controls, access management and restrictions are adopted and implemented, and 2) a properly sized and sited marine sanctuary or no –take area that ensures protection of habitat, fish species and other marine organisms in order to perpetuate their kinds and eventually provide spill over and recruits to the fishery management area.
28. **Territorial Use Rights in Fisheries and Reserve (TURF + Reserve) strategy** – refers to a grant of exclusive fishery privileges to individual or community of fishers by ordinance, to fish within a designated Managed Access Area (MAA) with an undertaking to be responsible for the conservation and protection of fisheries and aquatic resources and to comply with the harvest regulations, fish catch monitoring and reporting, and participate in coastal and fishery law enforcement.
29. **Tonnage Breadth** - measured at the mid-part from the gunwale inside of the skin of the hull to the inside of the skin on the other side of the hull.
30. **Transshipment** - Refers to the transfer of all or any fish or fishery product from one fishing vessel to another while at sea.

31. **Trawl** - an active fishing gear consisting of a bag shaped net with or without other boards to open its opening which is dragged or towed along the bottom from the water, including all variations and modifications of trawls (bottom, mid-water, and baby trawls) and tow nets.
- B. Terms defined in the fishery code of the Philippines, as amended, that are applicable in this ordinance are hereby adopted.

Section 5. ZONING OF CITY TERRITORIAL COASTAL WATERS. - The territorial waters of San Carlos City are hereby classified into three (3) zones as follows:

Zone 1. BIODIVERSITY CONSERVATION ZONES.

These are areas where critical habitats (mangroves, seagrasses and coral reefs) are located. Protection and conservation efforts in these areas are carried out to ensure long term sustainability of the natural resources within the area. All activities that would cause damage to the resources in these areas are hereby considered illegal and are punishable under this Ordinance and other existing laws. This zone includes sub-zones and other sites identified and reserved for protection of critical habitats such as coastal mangrove forest, known nestling areas of rare, threatened and endangered marine species and organism(s). It includes those marine protected areas declared before the enactment of this Ordinance and those that may later be declared by subsequent Ordinances.

- A. **Sub- Zone 1a. MARINE PROTECTED AREAS (MPA).** It is hereby declared as one of the policies of the city to develop, improve and increase the biodiversity as well as the quantity of the marine resources in the city waters of San Carlos City through the establishment of Marine Protected Areas at Barangays San Juan and Ermita, this city. Provided, however, that the city may establish Marine Protected Areas in other coastal barangays as the need arises.
- B. **Area of Coverage** – the MPA’s are hereby established at St. John Reef in Barangay San Juan and Camotes Reef in Barangay Ermita, with an approximate area of 90 has. And 223 has. respectively.

MPA 1. Barangay San Juan Marine Protected Area (Area: 90 hectares). The technical description is shown hereunder:

Marine Protected Area	Marine Sanctuary (16 Has.)
1) 10° 27’ 4.00”N 123° 26’ 29.00”E	1) 10° 27’ 6.50”N 123° 26’ 41”E
2) 10° 27’ 38.00”N 123° 26’ 50.00”E	2) 10° 27’ 24.5”N 123° 26’ 50.00”E
3) 10° 27’ 27.00”N 123° 27’ 10.00”E	3) 10° 27’ 21.00”N 123° 26’ 57”E
4) 10° 26’ 51.20”N 123° 26’ 50.00”E	4) 10° 27’ 2.00”N 123° 26’ 48.70”E

MPA 2. Barangay Ermita Marine Protected Area (Area: 223 hectares). The technical description is shown hereunder:

Marine Protected Area	Marine Sanctuary (54.00 Has.)
1) 10° 25’ 25.50”N 123° 25’ 34.45”E	1) 10° 25’ 31.50”N 123° 25.’ 50.00”E
2) 10° 26’ 25.”N 123° 25’ 60.00”E	2) 10° 26’ 2.2”N 123° 26’ 3.00”E
3) 10° 26’ 10.00”N 123° 26’ 34”E	3) 10° 25’ 55.00”N 123° 26’ 19.00”E
4) 10° 25’ 11.50”N 123° 26.’ 8.50”E	4) 10° 25’ 25.00”N 123° 26’ 6.00”E

- C. Sub-zone 1b. MANGROVE AREAS.** These are intertidal areas within city waters where mangroves grow.
- D. Sub-zone 1c. SEAGRASS BEDS.** These are areas of salt tolerant plants, that occur in shallow near shore waters, estuaries, lagoons and adjacent to coral reefs. They hold sediments in place support a rich detrital community, and provide food and habitat for many important near shore species.
- E. Sub-zone 1d. CORAL REEF AREAS.** These are areas in intertidal and subtidal marine waters where a natural aggregation of coral skeletons, with or without polyps occur.

Zone 2. MULTIPLE USE ZONE.

This area extends 500 meters seaward from the point where water touches the shoreline during the highest high tide recorded in both the mainland and around Sipaway Island. Different resource uses may be allowed in the area provided that a special permit to operate from the City Mayor is secured after an application for the purpose has been filed and cleared with the Coastal Resources Management Division under the City Environment Management Office and the payment of necessary fees paid to the City Treasurer’s Office. This permit confers upon the grantee the exclusive right to use the area applied for. In case where no permit has been issued in any portion within the multiple use zone, the said area may be used as a communal fishing ground or gleaning area.

The following are sub-zones classified under the Multiple Use Zone:

- A. Sub-Zone 2a. RECREATION AND TOURISM ZONE.** This zone consists of beach resorts, mangrove eco-tourism sites and others where tourists are allowed to dive, snorkel, swim and do other recreational activities. This zone also includes the following areas: bathing area, dive sites, swimming areas and other related uses. Subject to existing foreshore use regulations, beach resorts may be allowed to have exclusive use of areas fronting them after the filing of the proper application and payment of appropriate fees. No fishing regulation may be imposed in area permitted for recreational uses. The maximum distance from the shore that may be allowed shall be reckoned from the point where water touches it at the highest high tide up to a water depth of sixty (60) feet.
- B. Sub-Zone 2b. SIPAWAY ISLAND MANAGED ACCESS AREAS (SIMAA).** These areas are allocated for right- based fisheries management strategies for sustainable use of fisheries resources within the city waters. These uses are regulated, permitted but pursuant to this ordinance and related local and national regulations. This zone has also certain regulations based on the allowed uses. The waters in the first four (4) kilometers from the shoreline off Sipaway Island comprises the Sipaway Island Managed Access Area. This area is bounded by the following geographical coordinates:

Sipaway Island Managed Access Areas			
	No.	Latitude (N)	Longitude (E)
Point	1	10° 26' 8.5"	123° 25' 17.5"
Point	2	10° 25' 6"	123° 24' 20"
Point	3	10° 23' 46"	123° 26' 20"
Point	4	10° 25' 13"	123° 27' 10"
Point	5	10° 27' 27"	123° 28' 17"
Point	6	10° 28' 36"	123° 27' 44"
Point	7	10° 28' 49"	123° 26' 51"

- C. Sub-Zone 2c. MARICULTURE ZONE.** These are areas where mariculture activities (e.g. oyster culture, seaweed farming, fish cages and pens) may be located based on site suitability (e.g. water quality, hydrography, substrate, etc.). This zone does not allow culture of invasive species or mariculture methods which may cause marine pollution as a consequence.
- D. Sub-Zone 2d. PAYAO/ARONG ZONES.** These are areas where Fish Aggregating Devices (FADs, payaos or arongs) may be allowed to operate subject to existing regulations. FADs within this zone are subject to demarcation and registration.
- E. Sub-Zone 2e. BUNSOD/DUMPIL ZONES.** These are areas where Fish Corrals (bunsods/dumpils) may be allowed to operate subject to existing regulations.
- F. Sub-Zone 2f. BANGUS FRY GATHERING AREAS.** These are designated areas where the gathering of milkfish (bangus) fry may be allowed subject to existing regulations.
- G. Sub-Zone 2g. MARINE TRANSPORT AND NAVIGATION ZONE.** This includes the designated navigation route/lane of marine transportation vessels going in and out of the city and where ports, wharves and fish landing facilities are located. All other activities which would obstruct the free flow of navigation within this zone are prohibited. Moreover, this zone also includes areas where dive boats and other sea crafts are allowed to moor or anchor.

Zone 3. COMMUNAL FISHING GROUNDS

These are areas where fishing activities of duly licensed fishermen may be allowed. It includes all bodies of water above the 500-meter limit of the Multiple Use Zone. However, areas within the multiple use zones where no special permits to operate legitimate activities (tourism, mariculture, payao, bunsod, etc.) have been granted by the City Mayor may be utilized as communal fishing grounds.

Section 6. JURISDICTION OF THE CITY GOVERNMENT. – The city government shall have jurisdiction over the city waters and shall be responsible for the management, conservation, development, protection, utilization and disposition of all coastal and fishery resources in its territorial waters. The city shall enforce all fishery and environmental laws, rules and regulations as well as coastal and fishery resources-relative to this ordinance and may consult with the barangay concerned and other organizations pursuant to the fishery code of the Philippines.

Section 7. USE OF THE CITY WATERS. – The city waters maybe used by registered city fishers and their organizations and cooperatives duly accredited by the Sangguniang Panlungsod as well as operators of recreation and tourism, mariculture, marine transport and navigation facilities except commercial fishing. *Provided*, that other activities, such as but not limited to, research and monitoring activities may be allowed under appropriate regulations, for purely research, scientific, technological and educational purposes.

Section 8. FISHERFOLK REGISTRATION. The City Government, shall maintain a registry of city fishers for the purpose of determining priorities among them, of regulating and limiting entry into the city waters, and of monitoring fishing activities and/or other related purposes: *Provided*, that such list or registry shall be updated annually or as often as may be necessary, and shall be posted in barangay halls or other strategic locations where it shall be open to the public, for the purpose of validating the correctness and completeness of the list: *Provided, however*, The city government, in consultation with the FARMC, shall formulate the necessary mechanisms for inclusion or exclusion procedures that shall be most beneficial to the resident city fishers. The FARMC may likewise recommend such mechanisms:

Section 9. PERSONS ELIGIBLE FOR EXCLUSIVE USE PRIVILEGES. – Exclusive use of the city waters (**use of government property**) within the multiple use zone for mariculture, recreation and tourism activities and operation of sports facilities and wharves maybe allowed upon submission of the required documents and payment of appropriate fees. In the absence of such organizations and cooperatives or their failure to exercise their preferential rights, the following under this ordinance are eligible for exclusive use privileges:

- a. Citizens of the Philippines and bona fide residents of the City.
- b. Corporations duly incorporated or registered under the laws of the Philippines at least 60% of the capital stock or interest of which belongs wholly to natural born citizens of the Philippines.
- c. Cooperatives, partnerships, or associations duly organized by natural born citizens of the Philippines and registered under the laws of the Philippines.
- d. An individual applicant for exclusive use privileges must be at least 21 years of age.

Provided that a Memorandum of Agreement *approved by the Sangguniang Panlungsod* shall also be required and the fees relative hereto shall be in accordance with Accounting & Auditing Rules.

Section 10. DUTIES OF LICENSEES, PERMITTEES, AND EXCLUSIVE FISHERY PRIVILEGE HOLDERS. All licensees, permittees and exclusive fishery privilege holders shall be governed by existing laws, orders, rules, and regulations governing coastal and fisheries resources and shall:

1. Take precaution, as may be necessary to prevent destruction to the coastal and fishery resources and habitat and the city waters, and to ensure environmental protection at all times;
2. Assume responsibility for the use of fishing boat and any or all acts his/her agents, employees and laborers, including those of contractors connected with his/her operations, or in the establishment, management, or operation of the contract or during the fishing expedition such as but not limited to, transport and/or possession or use of dynamite, cyanide and other poisonous or noxious substances, as well as any fish caught through unlawful means;
3. Keep and submit all records and reports of transactions in connection with the license, permit or lease in such format as required by the terms and conditions of the license and as maybe required aboard the boat;
4. Allow all to render assistance to any law enforcer for purpose of inspection, searching and examining any person, document, records, and places of operations including storage areas, auxiliary boats or goods aboard the boat;
5. Vacate the area covered by the fishery privilege, upon expiration or as directed by authorized city officials, unless renewed or cancelled;
6. Clear, remove, destroy or demolish any debris, material, structure or gear, or the vacated area placed or constructed on the site of the fishery privilege upon expiration or cancellation of the privilege;
7. Abide by all the other related rules and regulations that will be legislated after the enactment of this code.

Section 11. MANAGEMENT OF MARINE PROTECTED AREAS. – The Marine Protected Areas shall be managed and maintained by the barangays where they are situated in coordination with the Coastal Resource Management Division.

SCUBA diving, snorkeling, swimming and the conduct of research activities inside each Marine Sanctuary may be allowed **subject to the existing government rules and regulations.**

Only Official receipt for the various activities such SCUBA diving, snorkeling, swimming and the conduct of research activities allowed within the MPAs which can be obtained from the City Treasurer's Office will be recognized strictly enforcing the "NO RECEIPT NO DIVE" policy.

Additional Marine Protected Areas may be established by the City Government if necessary.

It shall be unlawful for any person, natural or juridical to engage in the following activities within the Marine Protected Area:

- a. Take, catch, gather, destroy or kill any fish and other aquatic products in any manner nor vandalize, disturb or drive away or take there from any fish, fry or eggs and other aquatic resources;
- b. Dump any biodegradable, non-biodegradable and toxic wastes which cause pollution in the Marine Protected Areas;
- c. Construct any structure, fence, enclosure or business enterprise without the endorsement of the CRM Board and approval of the concerned agency.
- d. Alter, remove or deface the boundary markers or signs located at the borders of the marine sanctuaries and the buffer zones;
- e. Exploration without the necessary permit from the proper authorities;
- f. Navigation within the Marine Sanctuary area using motorized or non-motorized vessels or boats;
- g. Engage in any type of water sports and other activities that will disturb the tranquillity of the marine protected area;
- h. Gathering of corals, sand, gravel, boulders and other marine species;
- i. Mooring and securing/docking of craft/banca/baroto to marker buoys except on emergency cases by fishermen;
- j. Dropping of anchors within the marine protected area;
- k. Diving and engaging in allowed activities without paying the fees prescribed under this code and surrendering the appropriate ticket first to the on-site collector;
- l. Diving without the dive guide. All dive guides will be accredited by the City. One Dive Master can guide five (5) Open Water Divers and/or Advance Open Water Divers or eight (8) Rescue Open Water Divers
- m. Swimming within the MPAs without diving and snorkeling equipment except in the buffer zone designated area;
- n. Dive outside the diving route or designated area.
- o. Training/schooling dives within the Marine Protected Area;
- p. Engage in activities not corresponding to the ticket issued and presented;
- q. Install private mooring buoys within the buffer zone except government owned and operated mooring buoys used for eco-tourism activities.

Provided further, that a special permit may be given to any research institution to conduct study in the MPA in furtherance of their research.

Provided finally, that institutions granted such a permit should furnish the city government a copy of the result of their research or study.

Section 12. PROPER RECORDING OF TICKETS/RECEIPTS –The Barangay Treasurer shall be responsible for the recording and accounting of tickets/receipts under the control of the Barangay Captain and the funds collected shall be subject to government accounting and auditing rules and regulations.

Section 13. ALLOCATION OF SHARES – The proceeds (subject to accounting and auditing rules and regulations) shall be allocated according to the following manner:

- a. Fifty percent (50%) shall accrue to the trust fund of the city. This will, however be transferred to the accredited Fisherfolk Association or Cooperative once it performs its co-management function with the barangay.
- b. Fifty percent (50%) shall accrue to the general fund of the barangay.
- c. **The funds collected on exclusive use of zone shall belong to the barangay concerned in accordance with the schedule of fund release of the City Government.**

Section 14. PROTECTION AND CONSERVATION OF MANGROVES, SEAGRASSES AND CORAL REEFS- The city government, in coordination with the Department of Environment and Natural Resources (DENR), the FARMC and other concerned organizations, shall initiate proper management of seagrass and mangrove areas; Provided, that the city government, in coordination with

DENR shall develop programs that promote and ensure community participation in the rehabilitation and management of existing mangrove, seagrass and coral reef areas.

Section 15. REGULATION OF THE CONSTRUCTION AND OPERATION OF FISH CORALS-

The city government shall regulate the construction and operation of fish corrals in the city waters: Provided that no fish corral shall be established and operated outside of the designated areas for establishment and operation of fish corral; Provided, however, that no fish corral shall be constructed within two hundred (200) meters of another fish corral unless they belong to the same licensee/grantee; Provided further that the tail of the fish corral shall not be more than 100 meters; Provided, furthermore, that the mesh size of the fish corral shall not be less than 3 centimeters and shall be entirely lifted during the designated close season for gathering bangus and other species to enable a considerable number of spawners/breeders to reach their spawning grounds.

Section 16. PROTECTION OF OTHER MARINE HABITATS – The city government, in coordination with the FARMC and other concerned organizations, shall ensure the protection and conservation of other marine habitats in the city waters: Provided that the city government shall regulate the use of fishing gears and other human activities that may adversely affect any marine habitat.

Section 17. COASTAL AND AQUATIC POLLUTION –All activities in the grounds or water, directly or indirectly, which result or likely to result in such deleterious effect which harm living and non-living aquatic resources, hazardous to human health, hindrance to coastal or fishery activities such as fishing and navigation, including dumping/disposal of waste and other marine litter shall be prohibited; Provided, that it shall be the responsibility of the polluter to contain, remove and clean-up pollutants at his/her expense; Provided, however, that in case of failure to do so, the city government in coordination with other concerned agencies and institutions, shall undertake containment, removal and clean-up operations and the expenses incurred in the said operation shall be charged against the person and/or entities responsible for such pollution.

Section 18. MAINTENANCE OF WATER QUALITY AND CLEANLINESS – The city government shall monitor the quality of water at the optimal level relative to natural productivity and the cleanliness of the areas devoted for aquaculture, industrial and commercial development.

The operators and owners of aquaculture, industrial and commercial facilities shall develop a mechanism of proper waste disposal. Violation of this section may be a ground for the cancellation of their permit to operate their respective activities.

Section 19. DELINEATION OF BEACH RESORTS –

- A) Beach owners/operators shall designate safe swimming areas within the waters of beaches under their administration and control.
- B) Beach owners/operators shall likewise designate boat lane, anchorage and docking area.
- C) The boundaries of the Exclusive Use Area granted a permit as well as the limits of the delineated areas within shall be prominently marked by appropriate floating markers or buoys.

Section 20. NAVIGATIONAL ROUTE – The city government, in consultation with the FARMC, shall designate the navigational routes of ferries and other fishing crafts and shall disallow any activity that shall obstruct the designated navigational route; Provided, that nothing in the foregoing section shall be construed as permitting the lessee, licensee or permittee to undertake any construction which may obstruct free navigation and impede water circulation such as the flow of tide to and from the area.

Section 21. UTILIZATION OF NEARSHORE MANAGED ACCESS AREAS (MAAs)-The city hereby declares the utilization and fishing rights over Managed Access Areas shall be granted exclusively to the registered and licensed fisherfolks of San Carlos City The fishers to fish in MAAs shall be held responsible and accountable, individually and collectively, in the conservation and protection of the

fisheries and habitat therein from illegal and unsustainable fishing practices. They shall be bound to comply with the harvest regulations, catch monitoring and reporting as provided in this ordinance.

For the purpose of this Ordinance licensing of fishing gears to be used inside **SIMAA (Sipaway Island)** shall be limited to the following fishing gears used by the fisherfolks, known as:

Hook and Line	Nets	Stationary fishing gear and spearfishing
<ul style="list-style-type: none">• Pasol• Palabay• Pataw-pataw• Bunso / Laslas	<ul style="list-style-type: none">• Ta-an• Lamba	<ul style="list-style-type: none">• Pana• Pangihis (Panginhas)• Bobo/ Panggal• Bunsod

Additional regulation and management intervention will be further identified the Sipaway Island Managed Access Area and Sanctuary Management Body based an adequate scientific information and consultation among its members. This may include but not limited to establishment of closed seasons, imposition of size limits, gear regulations, gear restrictions and *other fisheries regulations*.

Section 22. PROMOTION OF MARICULTURE – The city shall consider coastal aquaculture as a means to promote diversification of income and preservation and conservation of coastal and fishery resources; Provided, that the city shall ensure that resources are used responsibly and adverse impacts on the environment and on local communities are minimized; Provided, however, that coastal aquaculture development shall consider the genetic diversity and ecosystem integrity of the city waters; Provided, further, that the city government shall ensure that the livelihood of the people and their access to fishing grounds are not adversely affected; Provided, furthermore, that the city government shall establish effective procedure to undertake appropriate environmental assessment, monitoring and migrating with the aim of minimizing adverse ecological changes and related economic and social consequences resulting from water extraction, discharge of effluents, use of chemicals, and other aquaculture activities.

Section 23. DESIGNATED AREAS FOR FISH CAGES – The city government shall establish or designate areas for the establishment and operation of fish cages in the city waters in accordance with law and applicable rules and regulations.

Section 24. SIZE AND DISTANCE BETWEEN FISH CAGES – The maximum size of fish cages shall be thirty-six (36) square meters per module. Fish cages can be clustered, but the distance between clusters shall not be more than twenty (20) meters; Provided, that each cluster shall not be more than eight (8) modules.

Section 25. DISTANCE FROM SHORELINE – No fish cage shall be constructed within fifty (50) meters from the lowest tide mark; provided, however, that no fish cage shall be constructed in designated navigational route. Provided, further that no fish cage shall also be constructed in front of any wharf.

Section 26. STOCKING DENSITY – An ecologically and economically optimum stocking density for fish cage operation should be observed.

Section 27. LIMITATIONS, GROUNDS FOR REJECTION AND CANCELLATION IN THE GRANTING OF PERMIT TO CONSTRUCT AND OPERATE FISH CAGES –

The following limitations shall be strictly followed:

1. License to construct and operate a fish cage shall be binding and legal for five (5) years and may be renewed for another three (3) years at the discretion of the city government;

2. The fish cage shall not be sub-leased, in whole or in part. Joint venture operation, partnership and/or management contract on a profit-sharing basis may be allowed only with prior consent from the city government;
3. The use of dummies shall be sufficient cause for the disqualification of an applicant for obtaining such permit.
4. The city government may limit the number of fish cage modules per licensee as the need arises.

The following are the grounds for rejection of application for a permit to construct and operate fish cage:

1. Fraudulent, false and misleading statements in the application;
2. Failure to pay necessary fees and other surcharges relative thereto;
3. When public welfare so requires.

The following are the grounds for the cancellation of permit to construct and operate fish cage:

1. Fraudulent, false and misleading statements in the application;
2. Failure to comply with the provisions of existing national laws and local ordinances;
3. Construction and operation of fish cage outside the designated area;
4. Abandonment and non-operation of the area for months and/or lack of interest of the permittee to continue;
5. Failure to pay necessary fees and other surcharges relative thereto;
6. Non-construction of fish cage within six (6) months from the date of issuance of the permit to construct and operate; and
7. When public welfare so requires as deemed by the city government.
8. A voluntary written request of the licensee is sufficient for the cancellation of permit.

Section 28. REGISTRATION OF FISH HATCHERIES AND PRIVATE FISHPONDS-All fish hatcheries, fish breeding facilities and private fish ponds must be registered with the city government which shall prescribe minimum standards for such facilities in consultation with the City Agriculture Office and/or CEMO as the case maybe.

Section 29. LICENSE AND PERMIT -The privilege of using the city waters and other coastal resources for fisheries, mariculture, recreation and tourism, marine transport and navigation, salvaging and underwater works, research and others may be granted a permit by the City Mayor to any person, cooperative, partnership, association or corporation qualified under this ordinance upon payment of the corresponding fees **provided in the 2017 Revenue Code** to the City Treasurer.

Section 30. SPECIAL PERMITS - Special permits may be granted by the city mayor for research works specifically for the conduct of underwater salvaging, underwater works or installation of underwater structures upon payment of fees provided in the 2017 Revenue Code.

Section 31. GRATUITOUS PERMIT – The city government shall issue gratuitous permit to city fishers to exploit, occupy, produce, culture, or gather fish or any species and other fisheries products in the city waters: Provided, that government agencies or institutions of learning may also be given gratuitous permits to engage in any fishery activities in the city waters for scientific or educational purposes, subject to the terms and conditions as may be imposed.

Section 32. AUXILIARY INVOICE – All fish and fishery products, shall be inspected and declared as safe for consumption must have an auxiliary invoice to be issued by the Market Inspectors prior to their transport from the point of origin to the point of destination in the Philippines and/or export purposes upon payment of the prescribed fee **provided in the 2017 Revenue Code**.

Provided that the residents of this city who have not been granted a license shall be allowed to fish in the city waters using hook and line for their home consumption.

Provided, further, that they shall not fish within twenty (20) meters from any fish corral (bunsod) operated under the exclusive privilege granted by the city in accordance with this ordinance. License permit issued under this section shall be valid for one year.

The marginal fishermen gathering fry for sale and using catching gears like *sabay-sabay*, *traveling* and *sapyaw* and the like shall only pay the corresponding license and shall not pay the tax on the sales of the fries.

Section 33. There is hereby created a Coastal Resource Management Board which shall be composed of the following:

CHAIRMAN: City Mayor

MEMBERS:

1. City Administrator
2. City Environment Management Office (CEMO)
3. Barangay Captains in the coastal barangays
4. City Environment Management Officer
5. City Agriculturist
6. City Tourism Officer
7. City Planning and Development Coordinator
8. Chairperson, City Fisheries and Aquatic Resource Management Council
9. Representatives from the Coastal Resource Management Division
10. Representative from Private Sector
11. Representative from the Private Schools Association
12. Representative from the Department of Education
13. Representative from the PNP –Maritime Group
14. Representative from the Philippine Coast Guard
15. Representative from the Local Police Force

Section 34. POWERS AND FUNCTIONS – The Coastal Resource Management Board, by virtue of this ordinance, is hereby vested with the following functions:

1. Develop the City Coastal Resource Management (CRM) Plan that shall ensure the long term management of the City's coastal resources, as well as integrate the various coastal resources, plans and strategies of the barangays in its area of jurisdiction. In the development of the CRM Plan, it shall conduct consultations with various sectors of the community;
2. Adopt measures to promote and ensure the viability and effective implementation of CRM programs in its component barangays;
3. Monitor the implementation of the City CRM plan, through its various political subdivisions and in cooperation with the private sector and the NGOs;
4. Adopt specific revenue generating measures to promote the viability of its CRM plan
5. Convene regular meetings for purposes of planning and coordinating the implementation of the CRM plans of its component barangays;
6. Oversee the implementation of the City Coastal Resources Management Plan;
7. Review every five (5) years or as the need arises, the City CRM Plan for purposes of ensuring its sustainability, viability, effectiveness and relevance in relation to local and international developments in the field of coastal resource management;
8. Develop specific mechanics and guidelines to implement the CRM Plan;
9. Provide the necessary logistical and operational support to its component barangays;
10. Recommend measures and safeguards against pollution and for the preservation of the natural ecosystem; and
11. Coordinate the efforts of its component barangays in the implementation of the City Coastal Resource Management Plan.

Section 35. CREATION OF FARMC –Pursuant to section 69 of the Philippine Fisheries Code of 1998, the city government shall establish FARMC and provide assistance to it.

Section 36. COMPOSITON OF FARMC –The regular members of the FARMC shall be composed of the following:

- a. City planning and Development Officer;
- b. Chairperson of the Sangguniang Panlungsod Committee on Environment;
- c. Representative of City Development Council;
- d. City Environment Management Officer;
- e. Representative from the accredited non-government organizations;
- f. Representative from private sector
- g. Representative from City Agriculture Office
- h. Fisherfolk representatives, which include representatives from youth and women sectors.
- i. Representatives from the Coastal Resource Management Division

The FARMC shall adopt rules and regulations necessary to govern its proceedings and election.

Section 37. POWERS AND FUNCTIONS OF THE CITY'S FARMC –The FARMC shall have the following powers and functions:

1. To assist the city government in the implementation of programs and projects on coastal and fisheries resources management.
2. To assist the city in the monitoring and evaluation of coastal and fisheries resources management program;
3. To advise city government in the arbitration of disputes over fishery rights and sharing contracts;
4. To assist the city government in the conduct of public hearing and community consultations, in aid of the formulation plans, policies and proposed ordinances and regulations;
5. To coordinate with law enforcement agencies in the enforcement of fishery and environmental laws, ordinances, rules and regulations;
6. To assist the city government in the promotion of comprehensive rehabilitation and conservation of city fishing grounds and coastal fishery resources;
7. To assist the city government in the promotion of ancillary economic activities, including cooperative marketing and socio-economic services;
8. To maintain an updated registry of city fishers; and
9. To perform such other functions, the City Mayor, the City Development council and Sangguniang Panlungsod may delegate, as provided by ordinance of resolution.

Section 38. ROLE OF THE CONCERNED BARANGAY – In the implementation of this Ordinance the role of the Barangays is hereby strengthened to be the primary implementing entities in their respective territorial jurisdictions and shall exercise the following powers and functions:

- a. In particular, the Barangay LGU of San Carlos City in coordination with the CEMO and SCCCRMB, lead the campaign for comprehensive registration of all fisherfolks and accreditation of fisherfolks organizations in the Barangay, including registration of fishing boats and licensing of fishing gears;
- b. Mainstreaming of the coastal and fisheries management and law enforcement activities in their Barangay development plans and programs;
- c. Allocate budget and deploy manpower in support to the programs and projects of SCCCRMB.
- d. Participate in Fish catch monitoring and reporting, link to markets, and assessment activities; and
- e. Perform such other functions as may be necessary, appropriate, or incidental for its efficient and effective governance.

Section 39. ILLEGAL FISHING AND PROHIBITED ACTIVITIES – Other than those provided in the fisheries code, the following method of fishing shall not be allowed in the city waters of San Carlos:

1. No person shall be allowed to use the fine mesh nets in the city waters except in the catching of the following species of fish:
 - a. Padas (Family Siganidae), Bangus Fry (Chanos-chanos), Sugpo Fry (Family Peneidae), Banak Fry (Family Mugilidae), Glass Eels and Elvers (Family Anguillidae) and Hipon (Family Gobidae);
 - b. Marine Aquarium/Ornamental fishes; and
 - c. Other fishes which by very nature are small but already mature (Mistichtys Luzonensis), dilis (Family Engraulidae), dulong (Family Engraulidae and Gobidae), hipon tagunton (Family Scaridae) and snails (Ampularia Luzonica and Vivora sp);
2. Total banning of drift gill net operations using FAMO – It shall be unlawful for any person, cooperative, partnership, association or corporation to operate a drift gill net (FAMO) for catching fish and aquatic products;
3. Total banning of catching “LUPOY” – It shall be unlawful for any person, cooperative, partnership, association or corporation to kill or catch, or caused to be killed or caught or taken from city waters, purchase or sell, offer or expose for sale or have in his possession or under his control any sexually matured sardines and herrings and mackerels or their larvae fry or young locally known as “Lupoy” or “Lelang” during closed season for the whole year round inclusively.
4. Total banning of Commercial Fishing Operations – Commercial Fishing using vessels more than three (3) gross tons within the city waters is prohibited.
5. Total banning of the use of compressor in fishing operations. It shall be unlawful for any person to indulge in fishing activities within the city waters using compressors. However, the issuance of a **special permit** maybe granted by the City Mayor for the special purpose of conducting under water salvaging, under water works or installation of underwater structures.

Mere mounting of a compressor on a boat without the necessary permit shall be considered as prime facie evidence that the same has been used or is going to be used in fishing and is therefore illegal.

6. Total ban on destructive methods of fishing such as but not limited to sahid, sudsud, baling muro-ami, kayakas, trawling are totally banned within the city waters.

Section 40. USE OF FISH AGGREGATING DEVICES (ARONG, PAYAO) ARTIFICIAL REEFS AND FISH CORRALS– No fishing shall be allowed within the distance of thirty (30) meters from established artificial reef, fish aggregating devices and core of coral reefs in the city waters.

Fish Aggregating Devices shall be established at least sixty (60) meters from each other. Only the licensee shall have the exclusive privilege to fish in the area within the radius of 30 meters from each other.

No fish corral or “bunsod” shall be constructed within of another fish corral unless they belong to the same licensee/grantee.

The operation of Fish Aggregating Devices (Arong/Payao), Artificial Reefs and Fish Corrals (Bunsod) shall only be allowed in designated areas herein set.

Section 41. FISHERY LAW ENFORCEMENT OFFICER – persons assigned to enforce this ordinance who shall be considered as agent and persons in authority.

Section 42. OBSTRUCTION TO NAVIGATION –Nothing in the license/grant or permit shall be construed as permitting the grantee or permittee to undertake any construction which will restrict the free flow of navigation in any stream, lake, rivers or the marine areas of the city waters or impede the flow and ebb of the tide to and from the area within.

Section 43. PENAL PROVISIONS

- a) Any person who violates Section on License and Permits shall be fined ONE THOUSAND FIVE HUNDRED PESOS (₱1,500.00);
- b) Any person who violates any section of this ordinance other than the above shall be fined:
 - First Offense** - TWO THOUSAND FIVE HUNDRED PESOS (₱2,500.00) per person per violation
 - Second offense** - FIVE THOUSAND PESOS {₱5,000.00} per person per violation
 - Third offense** - FIVE THOUSAND PESOS {₱5,000.00} per person per violation and/or imprisonment of not exceeding one (1) year at the discretion of the court
- c) Any Fishing vessel and all fishing paraphernalia used in violating Section 39 of this ordinance shall be immediately confiscated and forfeited in favour of the city.
- d) All fishing paraphernalia impounded could only be released upon payment of the fine. Failure to pay the fine within 45 working days upon apprehension, all impounded paraphernalia including fishing vessels shall be forfeited in favor of the LOCAL GOVERNMENT UNIT of San Carlos City.
- e) Provided that if the area requires rehabilitation or restoration, the offender shall also be required to restore or compensate for the restoration of the damage.
- f) If the offender is an association, corporation, partnership, or a cooperative, the president or manager and the laborer/s that made that act, shall be penalized. Provided furthermore, that the violator may be ordered to render community service relevant to the protection of the marine sanctuaries and fishery reservation areas. Provided, finally that, the Management Committee may impose administrative fine and penalties consistent with this ordinance. The administrative fines and penalties collected by the management committee shall be for their account and may be disbursed by the same in accordance with their duly approved rules and procedures.

Section 44. PERSONS AND DEPUTIES AUTHORIZED TO ENFORCE THIS ORDINANCE – The Philippine National Police (PNP), PNP Maritime Group, Philippine Coast Guard (PCG), members of the Alliance-Based Coastal Reinforcement Team, (AB-CRET) of the Northern Negros Aquatic Resources Management and Advisory Council (NNARMAC), deputized members of the Bantay Dagat and Bantay Katunggan Task Forces and all other law enforcement agents authorized by existing laws, rules and regulations are hereby empowered to enforce this ordinance and to summarily confiscate and impound any fishing boat illegally engaged in fishing activities including its catch, and fishing paraphernalia in favor of the government.

Provided that the City Mayor or his duly authorized representative shall have the authority to prosecute or file appropriate complaint to the proper court or judicial body against the violators of the applicable laws.

Section 45. INDEMNITY FOR DAMAGES –The fishery and aquatic resources of the City are natural resources which directly sustain the constituents of the City by providing subsistence, livelihood, and the foundation for local business. As such, they are valuable resources of the City for which compensation is required in case of damages, as well as cost of rehabilitation of the habitat or resources, arising from any violation of this Ordinance. No person shall derive any benefit, whether directly or indirectly, from any illegal act, or the use of any illegal means, in the use of fishery and aquatic resources.

Section 46. APPROPRIATION –The amount of TWO HUNDRED THOUSAND PESOS (₱200,000.00) is hereby appropriated for the purpose of this ordinance to be included in the next annual or supplemental budget as the case maybe.

The above-mentioned appropriation maybe increased or decreased as the need arises.

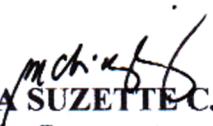
Section 47. REPEALING CLAUSE –All previous ordinances, executive orders, rules and regulations or parts hereof which are inconsistent with this ordinance are hereby repealed or modified accordingly.

Section 48. 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 provisions hereof which are not affected thereby shall continue to be in full force and effect.


Section 49. EFFECTIVITY CLAUSE –This Ordinance shall take effect upon its approval and after its publication in a newspaper of general circulation.

ENACTED: **October 26, 2017** by the affirmative votes of Hons. GUSTILO, JR., CARMONA, QUISUMBING, VILLARANTE, CABILI, CUI, MANSUETO, UY, ONGTIAOBOK and LASTIMOSO.

I HEREBY CERTIFY to the correctness of the foregoing ordinance which was duly enacted by the Sangguniang Panlungsod during its regular session held at the SP Session Hall, this city on **October 26, 2017**.


MA. CECILIA SUZETTE C. BINGHAY
Secretary to the Sangguniang Panlungsod

**ATTESTED AND CERTIFIED
TO BE DULY ENACTED:**


RENATO Y. GUSTILO
Vice Mayor/Presiding Officer

APPROVED ON _____ 2017:


GERARDO P. VALMAYOR, JR.
City Mayor