

REPUBLIKA NG PILIPINAS
TANGGAPAN NG SANGGUNANG PANLUNGSOD
LUNGSOD NG BACOLOD
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CITY ORDINANCE NO. 264
September 7, 2000

AN ORDINANCE REGULATING FISHING OR FISHERIES IN THE CITY OF BACOLOD, AND FOR OTHER PURPOSES.

WHEREAS, Bacolod City is among the coastal cities of the country which once possessed rich and diverse coastal resource and aquatic resources;

WHEREAS, such resources through the years have been destroyed, degraded, or depleted through illegal and unsustainable fishing practices as well as by continuing environmental degradation and pollution;

WHEREAS, there is the urgent need to preserve, protect and efficiently manage the remaining coastal and aquatic resources of the City towards ensuring adequate food security of the city's increasing populations as well as to ensure its sustainable use and development;

WHEREAS, towards that end, there is a need for a policy regulating and governing fishing/or fishery activities within the municipal waters of Bacolod City;

NOW THEREFORE, BE IT ORDAINED by the Sangguniang Panlungsod of the City of Bacolod in session assembled, that:

ARTICLE I
TITLE & DEFINITION OF TERMS

Section 1. Title. This Ordinance shall be known as the "***Basic Fishery Ordinance of Bacolod City***"

Section 2. Definition of Terms.

- 2.1. Active fishing gear** - is a fishing device characterized by gear movement, and/or the pursuit to target the species is by towing, lifting and pushing the gears, surrounding, covering, dredging, pumping and scaring the targeted species for impoundment: such as but not limited to trawl, purse seines, Danish seines, bag nets, pushing, drift gill nets and tenen boughline.
- 2.2. Fish and fishery/aquatic products** - include not only fish, but also mollusks, crustaceans echinoderms marine ornaments and all other species of aquatic flora and fauna, including other aquatic living resources.
- 2.3. Catch or take** - includes the killing, capturing, trapping, snaring and netting of fish and fishery products.

- 2.4 **Crab** - an edible crustacean
Blue Crab - same as crab
Muddy Crab - in dialect, "Alimango"
- 2.5 **City** - refers to the City of Bacolod
- 2.6 **CFARMC** - City Fisheries and Aquatic Resources Management Council, created pursuant to Republic Act 8550.
- 2.7 **Fishery industry** - includes fish producers, fish processors or trades, both wholesalers and retailers and owners of refrigeration/cold storage plants serving the industry.
- 2.8 **Fishing gear** - any instrument or device, and its accessories utilized in taking fish and other fishery products.
- 2.9 **Fishing privileges** - under the Local Government Code of 1991, fishing privileges refer to the constructing of fish corrals or fish pens for taking or, catching of bangus fry, prawn fry of kawag-kawag or fry of any species of fish within the City waters.
- Other privilege under Book II of the Local Government Code refers to the erection of oyster, mussel or other aquatic/marine beds.
- 2.10 **Formalin** - a chemical solution known as Formaldehy which is used as antiseptic, disinfectant or preservative to any goods, especially for embalming.
- 2.11 **Grant of Fishing Privileges** - allowing any person (natural or juridical) to establish any structure (Fish corrals: Tangkal-tangkal, Tangkop and Ponot or any fish pens) for the culture of fish.
- 2.12 **Hulbot-hulbot (Palusot, Pasangkot, Bira-bira & Holahoop)** - a fishing gear consisting of a conical shape net with a pair of wings whose ends are connected to two ropes with a "buri" plastic ropes, passing thru a metallic ring permanently attached to a ton weight (Linggote) when hold into a fishing boat.
- 2.13 **Illegal fishing** - the taking of fishery species from their wild state or habitat with the use of fishing vessels, boats, fishing gears, explosives, noxious, poisonous substances, electricity and other methods, specifically prohibited and defined in this ordinance, laws, decrees, policies and rules & regulations on fishing or fisheries.
- 2.14 **"Kayakas" (in Tagalog: bahan, bahig, lukay, lukayan, pukot; Visayan: likom-likom)** local version of muro-ami, but smaller in size using bamboo or trunk of tree as scare device aside from coconut or other leaves as scare line to drive the fish out of the corral reefs.
- 2.15 **Lease** - Grant by one person (the lessor) to another (the lessee) of the use and possession of land or any lot for a limited time.
- 2.16 **License** - a certificate which gives permission.

- 2.17 Licensee** - one who holds a license.
- 2.18 Mackerels** - a species of fish, belonging to "*Scombridae*" family whose scientific name is *Rastrellinger brachysomus*, short-bodied mackerels - *Hasa-hasa* and *Rastrellinger chrysozomus* - striped mackerels - *alumahan* and *bulao*.
- 2.19 Marginal fisher** - a person or individual engaged in subsistence fishing which shall be limited to sale, barter or exchange or marine products which he and his family produces, whose annual net income does not exceed Fifty Thousand Pesos (P50,000.00) or under the poverty level, defined and established by NEDA for the particular region or LGU, whichever is higher.
- 2.20 Motorized pushed net or "Sungkit"** - a type of scissor net installed at the head portion of motorized fishing boat used for catching shrimp fry or *hipon*.
- 2.21 Municipal fisherfolk** - legitimate residents of Bacolod City who personally/physically or directly engaged in taking, culturing or processing fishery or aquatic products and other related fishing activities, using predominantly passive fishing gears.
- 2.22 Municipal or small scale fishing** - a kind of fishing which use fishing vessels/boats of three (3) gross tons or less, and which employs passive gears, or catching fish which do not require the use of fishing vessels or boats.
- 2.23 Municipal waters** - includes not only streams, lakes, inland bodies of water and tidal Waters within the city which are not being the subject of private ownership, and not included within the national parks, brackish water fishponds leased by the government, and national fishery reserves, refuge and sanctuaries, public forests, forest reserves, but also marine water included between two (2) lines drawn perpendicular to the general coastline, drawn from Barangay Punta Taytay point, (which is approximately 12 kilometers more or less) where the boundary lines Bago city and Bacolod City touch the sea at low tide to Matab-ang river-point where the boundary lines of Talisay City and this city touch the sea at low tide and a third line parallel with the general coastline *equidistant* from shores of the Municipality of Buenavista, Gulmaras and this City, drawn starting from point located in latitude 10o37'00" N and longitude 122o48'45" E which is more or less 10 Kms. From Barangay Punta Taytay point, to point in latitude 10o44'30" N and longitude 122o50'00" E which is more or less 14 kilometers from Matab-ang river point or fifteen (15) kilometers from Bacolod City coastline. In areas or points where the situation is that, there is less than thirty (30) kilometers of marine waters between opposite shores, the third line shall be a line equidistant from the opposite shores of the respective municipalities, whichever is applicable.
- 2.24 "Muro-ami" - (Drive-in-net)** - means a Japanese fishing gear used in reef fishing which consists of a movable bagnet and two detachable wings, effecting the capture of fish by spreading the net in arc form around reefs or shoals and with the aid of scaring

devices, a cordon of fishermen drive the fish from the reefs toward the bag portion of the whole net.

- 2.25 Mussel (Tahong)** - are marine or brackish form of bivalves scientifically known as Mytilus Sp and locally known as "tahong" usually attached to the substratum in its natural state, but when propagated could be attached to stakes, stones and other suitable objects.
- 2.26 Mussel belt** - an area designated by the Sangguniang Panlungsod after technical survey shall have been conducted in water area where mussel farm lots may be constructed or established.
- 2.27 Mussel culture** - the cultivation of mussels in suitable water areas by any method with appropriate intensive care for production purposes.
- 2.28 Mussel reserve area** - a water area designated by the Sangguniang Panlungsod where gathering of mussels is prohibited.
- 2.29 Passive fishing gear** - an instrument or device and its accessories utilized in taking fish and other fishery species characterized by the absence of gear movements and/or the pursuit of the target species; such as, but not limited to, hook and line, fish pots, traps and gill nets across the path of the fish.
- 2.30 "Ponot or palaan"** - shall be known under the meaning of this ordinance as fish corrals in sea water, while "Tambong" are fish corral in fresh waters or in rivers.
- 2.31 Projects** - refer to development in coastal areas for business purposes or endeavors.
- 2.32 "Sabalo"** - means the full grown milkfish (Bangus) measuring more than sixty (60) centimeters in length from the tip of its mouth to the extreme end of the caudal fin or tail.
- 2.33 Sardines and Herrings** - shall include the following species of fish belonging to the family Clupeidae and known under the following scientific and local names : Sardinella fimbriata, fimbriated sardines, "tunsoy", "lao-lao", "tabagak", "tamban", "liryas", Sardinella perforata, deep bodied herring, "halobalay", "tamban", "lison", "lapa", Sardinella longiceps, Indian sardines, "tamban", "tunsoy", "haul-haul": Dussumiera acuta, round dwarf herring, "tulis", "balantiong" and "hilos-hilos".

ARTICLE II

UTILIZATION AND EXPLOITATION OF FISHERY AND AQUATIC RESOURCES

Section 3. Division and Classification/Zonification of Municipal Waters.

Exclusive fishery privileges for the use of specific class/zones shall be granted upon payment of appropriate fees or rentals as fixed in this ordinance. The municipal waters

within the jurisdiction of this city, for purposes of granting the exclusive fishery privileges shall be divided, classified or zonified hereunder:

- 3.1 For erection of fish corral or fishpen operation in the sea;
- 3.2 For operation of mussel, oyster and other marine/aquaculture beds
- 3.3 For construction of artificial reef, fish sanctuaries, refuge and reserve

Such classified/zonified marine/aquaculture beds shall be preserved from seashore at least One (1) centimeter in depth at low tide.

Section 4. *Technical Survey of the City's Municipal Waters and Environmental Profile of its Coastal Aquatic Resources.* For purposes of identification, classification Technical Survey and zonification of the City's municipal waters, purposely for resource protection and management and erection of the fish corral, fish pens, bed of mussels, oysters and/or any similar aquatic culture beds, catching/gathering of milkfish, prawn and fry of other species, designating fishery reserved area and establishing the boundaries between fishery areas of adjacent LGUs, a Technical Survey and environmental profile of the City's municipal waters and coastal and aquatic resources shall be conducted. The survey shall be undertaken by the Department of Agriculture and/or National Mapping and Resource Information Authority (NAMRIA), pursuant to Rule 18.1 of Section 18 of RA 8550 and the concerned LGUs in coordination with CFARMC.

Section 5. *Users of Municipal Waters.* The City Agriculture Office shall establish the boundaries of allowable areas for small and medium commercial fishing, subject to the Rule 18.1 of the Implementing Rules and Regulations (IRR) of the Philippine Fisheries Code of 1998 (*Republic Act 8550*)

Section 6. *Eligibility for Fishing and/or Fishery Privileges in the City of Bacolod.* A license to engage in fishing and other fishery related activities in the City of Bacolod shall be issued to the following:

- 6.1 Only to Filipino citizens, and
- 6.2 Cooperative, association, or any business be it single proprietorship, partnership or corporation engaged in fishing business which is duly registered or incorporated to the appropriate agency under Philippine laws, provided that Sixty percent (60%) of the authorized capital stock or interest belongs to citizens of the Philippines.

Section 7. *Grant of Fishing Privileges in the City Municipal Waters.* Duly registered fisherfolk organizations and cooperatives whose members are residents of this City shall have the preferential right to fishing privileges to be granted by the Sangguniang Panlungsod.

However, in the absence of such organizations or cooperatives, other interested parties may participate in a public bidding which may be required by the Sangguniang Panlungsod.

Section 8. *Registry of the City Fisherfolks.* To determine priorities for the city fisherfolks, limiting the entry of intruders and unregistered fishermen and/or fishing boats or vessels to the city municipal waters and for monitoring activities and related purposes, the concerned barangay, with the assistance of CFARMC shall maintain and update a registry of municipal fisherfolks and/or their organizations and a registry of Bacolod City fishing boats or by all types of gears.

Section 9. Fisherfolk Organization and/or Cooperatives Use of Fishery Areas. Fisherfolk organizations and/or cooperatives whose members are listed in the registry of municipal fisherfolk thru the concerned barangay, may be granted the use of demarcated fishery areas to engage in fish capture, mariculture or fish farming. Provided that any member of a fisherfolk organizations or cooperatives whose member of the family is already in possession of a fishery right cannot enjoy the fishing rights granted to the organization or cooperative.

ARTICLE III **PERMITS/LICENSES**

Section 10. Permits/Licenses. It shall be unlawful for any person (natural or juridical person) to exploit, produce, breed or culture, capture, gather or directly fish of any marine species or engage in any fishery activity in the municipal waters of Bacolod City by using nets, traps or other kinds of fishing gears, or by means of fishing without a valid license or permit issued by the City Mayor for such purpose.

The license or permit shall specify the area, fishing gear or method used & employed, culture type which is applicable for fishing season & fishing grounds or vessels' size or horse power of engine used, and other parameters that describe the area. Provided, that, no such license shall be required of a fishing vessel engaged in scientific research for educational purposes.

The privilege of catching fish or taking marine/aquatic products from the city municipal waters by means of nets, traps or other fishing gears, with or without the use of fishing boat/vessels of three (3) gross tons or less shall be granted under ordinary fishery license, permits or grants issued by the City Mayor to any person (natural or juridical persons) qualified under this ordinance, upon inspection by an authorized officer of this City, and a certification is issued for the legality of its fishing equipment and the location of the supposed area of operation, upon payment of the corresponding license or permit fees at rate indicated in this ordinance.

Provided, that the grantee/licensee agrees unconditionally to comply with all the local & national laws and rule & regulations governing fishing. And that, the grantee or licensee shall assume the responsibility for any act of his agent or any person connected with his fishing business or similar business endeavor.

Section 11. License to Operate Fish Pens/Cages/Traps and Other Structure for the Culture of fish and Other Fishery Products. Fish Pens/Cages/Traps and other structure for the culture of fish and other fishery and marine/aquatic species shall be constructed and operated only within the established zones duly designated by the City Agriculture Office or appropriate office, in coordination with the CFARMC and in accordance with this ordinance, after corresponding licenses therefrom have been secured.

11.1 Annual Schedule of License/Permit Fees for Fish Pens, Cages Traps (Fish Corrals: Tangkal-Tangkal, Tangkop and Ponot) and Similar Structure for the Culture of Fish:

- | | | |
|--------------------|--------------------------|----------|
| a) Tangkal-Tangkal | 0 – 50 Sq. Meters Area | P 100.00 |
| b) Tangkop | 51 – 200 Sq. Meters Area | P 200.00 |

c) Ponot 200-Above Sq. Meters Area P2,000.00

For the purpose of this Ordinance, any City fisherfolk who wants to work as fish worker to a commercial fishing boat/vessel shall secure a certification from the City Agriculture Office or appropriate office upon payment of appropriate fee to the Treasurer's Office, also fixed below:

a) Certification Fee For employment purposes 20.00

Section 12. Auxiliary Invoices. Fishery products, such as, but not limited to: preserved fish (frozen and salted, dried or smoked "patis or bagoong", etc., nylon shells, dried squid, seaweeds, tanned skin of fish sea reptiles, bangus fry and all other unclassified marine products., etc must have an AUXILIARY INVOICE to be issued by the City Agriculture Office or appropriate office prior to their transport from Bacolod City as a point-of-origin to the point-of-destination in and outside the country.

12.1 The following shall be the basis for the computation of Fees or Charges in the Issuance of AUXILIARY INVOICE:

Auxiliary Invoice (Shipping Permits for Outgoing Fry or Fishery Products)

a) <u>Fry: Per Thousand (1,000)</u>	P1.00
One (1) ton or a fraction thereof	15.00
Each Additional tonnage or fraction thereof In excess of One (1) Ton	5.00
b) <u>Fishery Products</u>	
Per Box (Standard Styrofore used)	P20.00

Section 13. Surcharge. When annual license/permit for any fishery privilege is not paid on date it becomes due. The licensee/permittee shall therefore pay a surcharge of **Twenty-Five (25%)** per centum.

Persons (natural or juridical person) who are delinquent for payment of any fee for fishery privileges granted are barred from enjoying the privilege, directly or indirectly during the period of delinquency.

Section 14. Registration and Licensing of Fishing Gears Uses in Municipal Fishing. A license may be issued to any interested applicant for fishing upon registering the fishing gears used in his/her fishing boats or vessels.

Section 15. Grounds for the Cancellation/Termination of License/Permit. License to any fishery privilege granted and issued under this ordinance may be cancelled or terminated on any of the following grounds:

- 15.2 Death of licensee, provided that the new license shall be issued to the qualified heirs or assigns, upon filing of a new application within ninety days from the death of a licensee;
- 15.3 Dissolution of a juridical license;
- 15.4 Fraudulent, false or misleading statement in the application;
- 15.5 Abandonment of the area;
- 15.6 Failure of the licensee to introduce improvements in the licensed area within 60 days upon the application is issued.

Section 16. Guidelines for the Evaluation of the Project and Application and the Issuance of Licenses and Permits. The Office of the City Agriculture or the appropriate office created for this purpose shall be guided with the following rules in evaluating projects and issuance of permits and licenses for appropriate use and for sustainable development of the fisheries and marine/aquatic resources:

- 16.1 It shall protect the right of fisherfolks for the preferential use of the City's marine/aquatic resources;
- 16.2 It shall not endanger the economic and ecological viability of the resources in the designated area; and
- 16.3 It shall provide protection to the capability of the particular resources to renew itself to the optimum harvestable level.

Section 17. Licensing Procedures. Application for license, permits or grant of any fishery privilege shall be filed with the Office of the City Mayor thru the City Agriculture Office.

Such application, whenever applicable shall be accompanied by the following information:

- 17.1 Xerox copy of the duly approved Articles of Incorporation and/or Certificate of Registration, whichever or whenever is applicable
- 17.2 Sketch plan of the area applied for in the designated zone
- 17.3 Official receipt of payment from the City Treasurer's Office
- 17.4 Detailed description of the area applied for
- 17.5 Description of fishing gears
- 17.6 Equipment or accessories used
- 17.7 Barangay clearance

ARTICLE IV
PROTECTION AND CONSERVATION OF THE CITY'S MARINE/AQUATIC
RESOURCES

Section 18. Creation of Fish Sanctuaries, Refuge and Reserve. There shall be a created fish sanctuaries, refuge and reserve in the City municipal water for the culture and propagation of fish and other aquatic species to provide food sustenance to the city. The Sangguniang Panlungsod thru the recommendation of the City Agriculture Office in coordination with the CFARMC shall determine the area and size for fish sanctuaries, refuge and reserve.

ARTICLE V
MANAGEMENT AND DEVELOPMENT OF THE CITY'S FISHERY & MARINE
INDUSTRY

Section 19. *Fish Landing Points and Fish Market.* The Sangguniang Panlungsod thru a resolution shall determine and designate fish landing points or Fish Market in the City of Bacolod where all kinds of fish catch and other marine products entering the city shall be loaded and unloaded which shall be inspected by the City Agriculture Office or appropriate office, in coordination with CFARMC before the same are offered for sale to the public.

Section 20. *Reporting and Monitoring System:*

- 20.1 *Monitoring of fish landings and shipments of fish and fishery products.* The City Agriculture Office or appropriate office, in coordination with CFARMC, and in cooperation by a City Revenue Officer is hereby authorized to monitor fish landings and fish markets, particularly for the kind of marine/aquatic species, all fishery and aquatic products shipped out from Bacolod City which shall be cleared accordingly and covered by auxiliary invoice issued by the City Agriculture Office or appropriate office, in coordination with PNP MARICOM, Philippine Coastguard and Philippine National Police, and
- 20.2 *Monitoring Control and Surveillance of Municipal Waters.* A monitoring, control and surveillance system shall be established by the City thru the City Agriculture Office or appropriate office, in coordination with CFARMC to ensure that the fisheries and aquatic resources in the City municipal waters are properly and wisely utilized, and managed on sustainable basis, and conserved for the benefit and enjoyment exclusively for the Filipinos.

ARTICLE VI
ENFORCEMENT

Section 21. *Offices, Agencies and Persons or Deputies Authorized to Enforce this Ordinance and other Fishery Laws, Rules and Regulations.* The City Agriculture Office or appropriate office, in coordination with the City FARMC is hereby authorized as the lead office to enforce this ordinance, other fishery laws, rules and regulations enacted by the Sangguniang Panlungsod in accordance with RA 8550 and other national fishery laws, Presidential Executive or Department Orders.

To effectively enforce this Ordinance, members of the Philippine Coastguard, PNP MARICOM, Philippine National Police (PNP), authorized government officials, punong barangays and kagawads of concerned barangays and members of fisherfolk associations who have undergone training on law enforcement may be designated in writing by the City Mayor as the Deputized Fish Wardens. These deputized agents and law enforcement officers are empowered to seize, impound the fishing boat or vessel, cargoes, equipment or vehicles, including explosives, noxious or poisonous substances, fishing gears, electrical devices and similar gadgets or appendage used in illegal fishing activities.

Section 22. *Compulsory Creation of the Barangay Fisheries and Aquatic Resources Management Councils (B/FARMC).* The concerned coastal barangay shall create a barangay FARMC pursuant to Republic Act 8550, other National Fishery Laws, Presidential Executive or Department Orders. Such Barangay FARMC shall assist in the enforcement of this ordinance.

ARTICLE VII
PROHIBITIONS, FINES AND PENALTIES

Section 23. *Boats or Vessels Engaged in Fishing Activities without License.* The owners/operators of boats or vessels, captains and/or masters of fishing boats or vessels engaged in fishing activities in the city's municipal waters without license or permit shall be fined not less than Two Thousand Pesos (P2,000.00), but not more than Five Thousand Pesos (P5,000.00) for every offense or violation.

Section 24. *Operation of Mechanized Pushed Nets.* The operation of mechanized pushed net fishing (Sungkit) is strictly prohibited in the municipal waters of Bacolod City within a distance of three (3) kilometers seaward from the coastline of the City at low tide.

Violation of this provision shall subject the offender to a fine from One Thousand Pesos (P1,000.00) to Four Thousand Pesos (P4,000.00), or an imprisonment from six months to four years, or both fine and imprisonment at the discretion of the Court.

Section 25. *Fishing through Explosives, Noxious or Poisonous Substance, and/or Electricity.*

- 25.1 Subject to the conditions provided for in RA 8550, it shall be unlawful for any person to catch, take or gather or cause to be caught, taken or gathered fish or any fishery species in Bacolod City municipal waters with the use of electricity, explosives, noxious or poisonous substances, such as Sodium Cyanide in the City fishery areas, which will, stupefy, disable or render unconscious fish or fishery species.

It will likewise be unlawful for any person (be it natural or juridical) to possess, deal in, sell or in any manner dispose of any fish or fishery species which have been illegally caught, taken or gathered.

The discovery of dynamite fishing, other explosives and chemical compounds which contain combustible elements, noxious or poisonous substances, equipment or device for electro-fishing in any fishing vessel or in the possession of fisherfolk, operator, fishing boat official or fish worker shall constitute a prima-facie evidence, that the same was used for fishing in violation of this Ordinance. The discovery in any fishing vessel of fish caught or killed with the use of explosive, noxious or poisonous substances or by electricity shall likewise constitute prima-facie evidence that the fisherfolk, operator, boat official or fish worker is fishing with the use thereof.

- 25.2 Mere possession of explosive, noxious or poisonous substances of electro-fishing devices for illegal fishing shall be punishable by imprisonment from Six (6) Months to One (1) Year.

- 25.3 Actual use of explosives, noxious or poisonous substances or electro-fishing devices for illegal fishing shall be punishable by imprisonment ranging from One (1) Year to Three (3) Years without prejudice to the filing of separate criminal cases when the use of the same result to physical injury or loss of human life.
- 25.4 Dealing in, selling or in any manner disposing of for profit, illegally caught/gathered fishery species shall be punished by imprisonment ranging from Six (6) Months to One (1) Year.
- 25.5 In all cases enumerated above, the explosives, noxious or poisonous substances and/or electrical devices, as well as the fishing vessels, fishing equipment and catch shall be forfeited.

Section 26. Use of Formalin in Preserving Fish and/or Marine/Aquatic Products. It shall be unlawful for any person (natural or juridical person) to use formalin in preserving fish and/or marine/aquatic products in any manner to maintain its physical quality intended for human consumption, to sell or dispose of for profit on marine/aquatic products contaminated by formalin. Such offense shall be investigated and determined by the appropriate expert, which shall be the basis for a fine or penalty.

Violation of this provision shall subject the offender to a fine of not less than One Thousand Pesos (P1,000.00), but not more than Three Thousand Pesos (P3,000.00), or an imprisonment from Six (6) Months to Three (3) Years, or both fine and imprisonment at the discretion of the Court.

Section 27. Taking, Catching, Selling, Processing or Transporting Gravid Crabs (Kawag-kawag). It shall be unlawful to take, catch, sell, process or transport gravid crabs like mud crab and blue crab, *kawag-kawag* or *crablets* in the municipal waters of this city whether dead or alive. Any person (be it natural or juridical) found to violate this provision shall be fined from ONE HUNDRED (P 100.00) PESOS to FIVE HUNDRED (P500.00) PESOS, including the confiscation of gears and fish catch.

Section 28. Capture of Sabalo and other Breeders/Spawners. Subject to the Department Orders and provisions provided in RA 8550, it shall be unlawful for any person to catch, gather, capture or possess mature milkfish or "Sabalo" and such other breeders or spawners of other fishery species from the City municipal waters.

Section 29. Taking, Catching, Selling, Collecting, Gathering, Utilizing, Processing, Transporting, Removing, Exporting or Disposing Marine Turtles, Soft-Shell or Fresh Water Turtle. It shall be unlawful for any person to take, catch, sell, collect, gather, utilize, process, transport, remove, export or dispose marine turtles, soft-shelled or fresh water turtle, including their eggs or any of their by-products within the City's municipal waters.

Violation of this provision shall subject the offender to a fine of not less than Five Hundred Pesos (P500.00), but not more than Three Thousand Pesos (P3,000.00), or an imprisonment from Six (6) Months to Six (6) Years, or both fine and imprisonment at the discretion of the Court.

Section 30. *Illegal construction and operation of Fish Corrals/Traps, Fish Pens and Fish cages.* It shall be unlawful to construct and operate fish corrals/traps, fish pens and related fish cages without a valid license/permit. Likewise, it is unlawful to construct such within a distance of *Two Hundred (200) meters* from the seashore at low tide and *Sixty (60) meters* between each fish corrals.

Section 31. *Other Prohibited Acts.* The Sangguniang Panlungsod shall prohibit other acts which may cause economic sabotage, environment degradation and pollution, public health hazards and other similar prohibitions which may cause hazards to the public.

Section 32. *Miscellaneous Provisions.* For purposes of penalizing acts or omissions not provided in this Ordinance, RA 8550 shall apply.

ARTICLE VII **REPEALING, SEPARABILITY AND EFFECTIVITY CLAUSES**

Section 33. *Repealing Clause.* All previous Ordinances and Resolutions and local Executive Orders, Rules and Regulations or parts, thereof, which are inconsistent with this Ordinance are hereby repealed or modified accordingly.

Section 34. *Separability Clause.* Any provision of this ordinance which is unconstitutional, provisions hereof which are not affected, thereby, shall continue to be in full force and effect.

Section 35. *Effectivity.* This ordinance shall take effect *Fifteen (15) days* upon publication on the local newspapers of general circulation, or a copy of this Ordinance be posted on the bulletin board at the entrance of at least two (2) conspicuous places at the Bacolod City Hall.

CARRIED BY THE VOTE OF:

Affirmative:

Councilors: Alex A. Paglumotan, Juanito S. Amihan, Jr., Lorendo K. Dilag, Ramiro L. Garcia, Jr., Ana Marie V. Palermo, Celia Matea R. Flor, Roberto M. Rojas, Al Victor A. Espino, Elmer T. Sy, Pepito T. Malapitan.

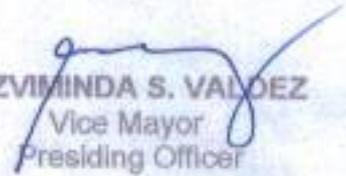
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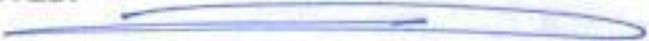
Authors : Councilor Celia Matea R. Flor
Councilor Ana Marie V. Palermo
Councilor Jose Max S. Ortiz
Councilor Ricardo L. Tan

Official Leave : Councilor Archie S. Baribar
Councilor Christine Angelie M. Espinosa

Passed : September 7, 2000 (*105th Regular Session*)

Comments: **P a s s e d .**
Councilors Ricardo L. Tan and Jose Max S. Ortiz were out of the Session Hall when this ordinance was passed.


LUZVIMINDA S. VALDEZ
Vice Mayor
Presiding Officer

ATTESTED:

ATTY. NILO T. ALEJANDRINO
Secretary to the Sanggunian

APPROVED: September, 2000

OSCAR R. VERDEFLORES
City Mayor

NTA/HPL/ryf
10 DAYS LAPSED
AS OF 10/21/20