



## Lungsod ng Bacolod

CITY ORDINANCE NO. 412

September 14, 2006

**AN ORDINANCE MANDATING THE CARE AND DEVELOPMENT OF THE MUNICIPAL WATERS AND FORESHORE LANDS OF BACOLOD CITY BY THE ESTABLISHMENT, MANAGEMENT AND UTILIZATION OF ARTIFICIAL REEFS THEREIN IN THE CONTEXT OF ENVIRONMENTAL, ECO-TOURISM, AND LIVELIHOOD PROGRAMS FOR COASTAL COMMUNITIES OF THE CITY OF BACOLOD.**

**WHEREAS**, there are 16 barangays in the City of Bacolod which have coastal areas, with thousands of people depending on the sea for their survival,

**WHEREAS**, the mangrove and natural reefs of these areas have all been practically gone;

**WHEREAS**, the effect of these depredation of our coastal environment is pressure on our small and marginal fishermen to go farther out into the sea to look for rapidly dwindling supply of fish, exposing them to danger to the elements as well as encroachment into the municipal waters of other local governments where they stand the risk of being apprehended;

**WHEREAS**, it is actually possible and doable to replenish the sea of fishes by means of artificial reefs and other rehabilitative measures, to restore what is also sometimes called as a "forest in the sea";

**WHEREAS**, the national government, through the DENR-DA-DILG-DND Joint Memo Order No. 2000-01 called for and established guidelines for the establishment and utilization of artificial reefs in the municipal waters of the Philippines,

**WHEREAS**, to ensure the permanence and sustainability of this undertaking, it is expedient that the same be mandated by ordinance at the local level

**WHEREFORE**, let it be ordained as it is hereby ordained, by the Sangguniang Panlungsod in session assembled:

**Section 1. Basic Policy** - it is hereby declared the policy of the local government to initiate the rational and sustainable development of the environment and natural resources and institute management measures designed to rehabilitate and enhance productivity of degraded coastal reefs and its environment for the benefit of stakeholders dependent upon it for their livelihood and job opportunities.

**Section 2. Scope and Objectives** - This Ordinance shall cover the establishment, management and utilization of artificial reefs and similar measures in the municipal waters of Bacolod City, with the following objectives:

- a. To ensure the sustainable development of the city's fishery and aquatic resources;
- b. To address the concern for food security;

v

- c. To allow the natural regeneration and recolonization of degraded coral reefs and its environment;
- d. To provide habitat enhancement and the recruitment of important species of fish;
- e. To improve quality in terms of diversity and sizes of fish caught;
- f. To alleviate poverty among fisherfolk in coastal communities; and
- g. To develop community-based initiatives on coastal resource management.

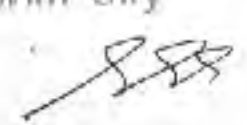
**Section 3. Definition of Terms** - The terms and phrases herein shall be construed as follows:

- a. **Artificial Reef** - any structure of natural or man-made materials and placed on the sea bed to serve as shelter and habitat source of food, breeding areas for fishery species and other marine organisms
- b. **Bay** - refers to an inlet of the sea or body of water forming an indentation of the shoreline usually smaller than a gulf;
- c. **Commercial Fishing** - refers to the taking of fish and fishery/aquatic products by any person utilizing fishing vessels more than three gross tons and using either active or passive gear for trade, business and profit beyond sustenance or sports fishing.
- d. **Coral** - the hard calcareous substance made up of the skeleton of marine coelenterate polyps, which include reefs, shelves and atolls or any of the marine coelenterate animals living in colonies where their skeletons form a stony mass. They include: a. skeletons of anthozoan coelenterates characterized as having a rigid axis of compact calcareous or horny spicules, belonging to the genus corallium as represented by the red, pink, and white which are considered precious corals; b. skeletons of anthozoan coelenterates characterized by thorny, horny axis such as the antipatherians represented by the blackcorals which are considered semi-precious corals, and c. ordinary corals which are any kind of corals that are not precious nor semi-precious.
- e. **Coral Reef** - a natural aggregation of coral skeleton, with or without living coral polyps, occurring in inter-tidal and sub-tidal marine waters.
- f. **Fisherfolk** - refers to people directly or personally and physically engaged in taking and/or culturing in inter-tidal and sub-tidal marine waters.
- g. **Fisherfolk Cooperative** - a duly registered association of fisherfolk pursuant to the Fisheries Code with a common bond of interest, who have voluntarily joined together to achieve a lawful common social or economic end, making equitable contributions to the capital requirement and accepting a fair share of the risks and benefits of the undertakings in accordance with universally accepted cooperative principle;

JRS

- h. **Fisherfolk Organization** - an organized group, association, federation, alliance or an institution of fisherfolk duly registered with the Securities and Exchange Commission (SEC) which has at least fifteen (15) members, a set of officers, a constitution and by-laws, an organizational structure and a program of action.
- i. **Food Security** - refers to any plan, policy or strategy aimed at ensuring adequate supplies of appropriate food at affordable prices. Food security may be achieved through self-sufficiency (i.e. ensuring adequate food supplies from domestic production), through self-reliance (i.e. ensuring adequate food supplies through a combination of domestic production and importation, or through pure importation).
- j. **Gratuitous Permit** - refers to the authority issued by the City Mayor concerned, free of charge, in favor of accredited private research institutions, LGUs and national government agencies for educational, research and scientific purposes.
- k. **Gulf** - refers to a portion of the ocean or sea partly enclosed by land and usually larger than a bay.
- l. **Habitat Enhancement** - refers to the process of improving the condition of the water environment to produce more of its resources.
- m. **Municipal Waters** - include not only streams, lakes, inland bodies of water and tidal waters within the municipality which are not included within the protected areas as defined under Republic Act No. 7586 (The NIPAS Law), public forest, timber lands, forests reserves or fishery reserves, but also marine waters included between two lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline including offshore islands and fifteen kilometers from such coastline. Where two municipalities are so situated on opposite shores that there is less than thirty kilometers or marine waters between them, the third line shall be equally distant from opposite shore of the respective municipalities (R.A. 8550).
- n. **People's Organization** - a bonafide association of citizens with demonstrated capacity to promote the public interest and with identifiable leadership, membership and structure. Its members belong to the fisheries sector who voluntarily band themselves together to work for and by themselves for their own upliftment, development and greater good.
- o. **Stock Assessment** - an evaluation of the effects of fishing on the status of a fishery. It is primarily concerned with the estimates of the catches that can be taken from fish stocks by fishery.
- p. **Subsistence Fishing** - refers to the taking of fish through hook and line by municipal fisherfolk, using fishing vessels less than three gross tons, or fishing not requiring the use of fishing vessels.

**Section 4. Authority to Issue Permits** - The City Mayor shall issue permits to establish and operate Artificial Reefs (ARs) in consonance or not inconsistent with City Ordinance No. 264, series of 2000;





4.1. An application to put up Artificial Reefs shall be made with the City Mayor's Office, which shall refer the same for evaluation to the ENRO, CFARMC, the City Agriculture Office, and the CPDO, which shall recommend to the City Mayor the approval of or appropriate action on the same.

4.2. An application which is favorably recommended shall be charged an administrative permit fee of P500.00. The issuance of the Mayor's permit for operation of an artificial reef shall be subject to terms and conditions that the City may impose per recommendation of the ENRO, CFARMC, City Agriculture Office and the CPDO.

**Section 5. Priority in the Grant of AR Permit** - The priority in the grant of an AR permit shall be given based on the following order:

- a. Resident municipality/city fisherfolk cooperative/organization
- b. Resident municipal fisherfolk/POs
- c. City fishery associations/federations

**Section 6. Gratuitous Permit** - A gratuitous permit for the establishment of ARs that adhere to these guidelines shall be granted the following:

- a. Accredited academic and research institutions
- b. Local Government Unit (LGU)
- c. National government agencies

However, in case of conflict over the area applied for under this Section with those provided in Section 5 of this Order, the order of priority stated in the latter shall prevail.

**Section 7. Application Procedures** - The following steps shall be followed in the processing of an application for an AR permit:

- a. Prior to the filing of an application form for an AR permit, the proponent shall formally seek the technical assistance of the DA-BFAR in collaboration with the DENR to determine the suitability and feasibility of the proposed site for AR deployment.
- b. If found suitable, the DA-BFAR shall require the proponent to submit a proposed management and operation plan of the area applied for.
- c. The proponent shall be advised to file his application with the City Mayor together with the following documents:
  1. A photocopy of the SEC or CDA registration, Constitution and By-laws of the fisherfolk cooperative/association duly approved by the SEC and/or by the government agency mandated to certify or register the same.
  2. An updated list of members and their respective addresses.
  3. A proposed management and operation plan indicating the name, technical description and sketch plan of the proposed site, deployment scheme and materials to be used in the construction of ARs.

4. Certificates of suitability of the site and feasibility of the proposed management and operation plan duly issued by the Regional DA-BFAR and DENR.

**Section 8. Criteria for Site Selection of ARs** - The criteria for site selection of ARs are as follows:

- a. The site where ARs are to be installed should not be less than one kilometer away from existing natural reefs, if any and five hundred meters away from existing ARs.
- b. It should be near alternative food sources (i.e. seagrass beds) constructed on a flat, barren area of relatively good visibility and at depth protected from wave action but still accessible to members of the Association (i.e. 15-25 m.)
- c. It should be deployed outside designated navigational sea lanes and does not obstruct traditional navigational route of local fishermen going to and from the fishing ground or pose as a navigational hazard to ships and other sea crafts.

**Section 9. Materials for the Construction of ARs** - The materials for the construction of ARs shall include, but not limited to the following:

- a. Concrete blocks or culverts
- b. Limestone or rocks

A moratorium on the use of scrap tires and junk vehicles or sea crafts for ARs shall be observed pending completion of further studies by the DENR on their environmental impact. Other materials not included above are subject to prior approval by the DENR and DA-BFAR.

**Section 10. Management and Operation of ARs** - The management and operation of the ARs shall be the primary responsibility of the cooperative/organization/association (permittee) which shall abide by all the terms and conditions of the permit including effective compliance to the following measures:

- a. Commercial fishing is prohibited within the area technically described in the AR and 200 meters away from the boundary lines of the said permit;
- b. Subsistence fishing with the use of hook and line shall be allowed for members of the cooperative/organization/association which shall be bound by time and catch limitation and other restrictions that may be prescribed by the Association in coordination with the DENR and DA-BFAR.
- c. Subsistence fishing with the use of hook and line shall be allowed for members of the Association and resident fisherfolk non-members provided that certain restrictions shall be imposed by the Association;
- d. Sustenance fishing shall be allowed one year after the establishment of the AR and only after a coordinated stock assessment findings conducted by the DA-BFAR in coordination with the DENR;

- e. The permittee shall submit a quarterly report to the Office of the City Mayor through the City Agriculture Office, copy furnished the DA-BFAR and DENR, on the status of the AR, including volume of catch by species, composition and sizes and estimated market value thereof.
- f. The permittee shall assist the national and Local government agencies concerned in the conservation, management and protection of both municipal and offshore fishery and aquatic resources;
- g. ARs shall be firmly anchored/secured for safety reasons; and
- h. The "core zone" covered by the AR permit shall be properly demarcated by buoys or other suitable materials.

**Section 11. Monitoring and Evaluation of ARs** - The City, in coordination with the DA-BFAR and DENR Regional Offices in close coordination with DILG and the Department of National Defense Regional Offices, shall:

- a. Conduct an inventory of existing ARs in terms of number, location and status, including volume, catch statistics, species/composition/sizes and catch per unit effort (CPUE).
- b. Gather baseline data on initial recruitment, standing stock and other relevant scientific information and observations six months after the installation of ARs.
- c. Evaluate annually the socio-economic benefits derived from and the ecological impact of ARs.
- d. Investigate recruitment movements from natural reefs to ARs or vice versa and study trophic relationship in refuges or in feeding and breeding areas.

**Section 12. Transitory Provision** - Persons, partnerships, associations or corporations are hereby given a grace period of ninety (90) days upon effectivity of this Ordinance to comply with the requirements hereof, otherwise existing ARs shall be removed/demolished by the City at the expense of the operator.

**Section 13.** The grant of permits for operation of ARs shall be in consonance with the total coastal plan of the City of Bacolod, particularly its Council of Coastal Barangays, which shall integrate the purposes of this ordinance with the eco-tourism and livelihood plans, programs and objectives of the coastal barangays concerned and the City of Bacolod.

**Section 14. Budget** - The City shall allocate an initial budget of P200,000 for this ordinance, subject to augmentation as the need may arise.

**Section 15. Grants, aids, donations.** - Grants, aids, donations and similar helps coming from the national government, NGO's and other foreign and local donors for purposes of this ordinance or allied thereto shall constitute as Special Trust Fund which shall be used and spent in accordance with government rules and regulations for trust funds.

**Section 16. Effectivity** - This ordinance takes effect immediately upon its approval in accordance with law.

*[Handwritten signature]*



CARRIED BY THE VOTE OF:

Affirmative:

Councilors: Ana Marie V. Palermo, Lyndon P. Caña, Jocelle Batapasigue, Homer D. Bais, Dindo C. Ramos, Jude Thaddeus A. Sayson, Napoleon A. Cordova, Catalino T. Alisbo, Reynold I. Iledan

Negative: None

Absent: None

Official Leave: Councilor Arturo V. Parreño.


Authors: Councilors Lyndon P. Caña and Jude Thaddeus A. Sayson

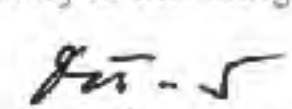
Passed: September 14, 2006 (116th Regular Session)


Comments: Passed.  
Councilors Elmer T. Sy, Al Victor A. Espino and Marx Louie S. de la Rosa were not around when this ordinance was passed.  
Co-proponents of this ordinance were Girl Councilor Carmela Angeli Gumoo, Girl Councilor Counterpart of Councilor Lyndon P. Caña and Girl Councilor Charmaine Claire Parreño, Girl Councilor Counterpart of Councilor Jude Thaddeus A. Sayson.  
Vice Mayor Renecito S. Novero was Acting City Mayor

  
GREG G. GASATAYA  
Acting Vice Mayor  
Presiding Officer

ATTESTED:

  
ATTY. NILO T. ALEJANDRINO  
Secretary to the Sanggunian

APPROVED  September 15, 2006

  
EVELIO R. LEONARDIA  
City Mayor

NTA/HPL/jomz

