

**REPUBLIKA NG PILIPINAS
TANGGAPAN NG SANGGUNANG PANLUNGSOD
LUNGSOD NG BAKOLOD
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**CITY ORDINANCE NO. 618
November 21, 2012**

**AN ORDINANCE PROVIDING FOR THE SUSTAINABLE MANAGEMENT,
CONSERVATION AND DEVELOPMENT OF COASTAL AND FISHERIES
RESOURCES OF BACOLOD CITY, PROVINCE OF NEGROS OCCIDENTAL."**


Be it ordained by the Sangguniang Panlungsod of Bacolod City, Negros Occidental that:

Section 1. Title. This ordinance shall be known as **"AN ORDINANCE PROVIDING FOR THE SUSTAINABLE MANAGEMENT, CONSERVATION AND DEVELOPMENT OF COASTAL AND FISHERIES RESOURCES OF THE BACOLOD CITY, PROVINCE OF NEGROS OCCIDENTAL."**

Section 2. Scope and Application. The provision of this ordinance shall be enforced in:

- a. Within the territorial jurisdiction of the City including the municipal waters as defined in the City Ordinance No. 611 otherwise known as An Ordinance Adopting the National Mapping and Resource Information Authority (NAMRIA) Technical Description of the Municipal Waters of Bacolod City.
- b. All aquatic and fishery resources in coastal fishing areas; and
- c. All areas devoted to aquaculture, or business and activities relating to fishery whether private ownership.

Section 3. Declaration of Policy. It is hereby declared the policy of the City of Bacolod, Negros Occidental;


- a. Food security as the major consideration in the utilization, management, development, conservation and protection of fishery resources
 - b. Sustainable use of fishery and aquatic resources through limiting access to the resources of the City for the use and enjoyment of its common folk;
 - c. Ensure the rational and sustainable development, management and conservation of the fishery and aquatic resources of the City consistent with fundamental objective of maintaining sound ecological balance, protecting and enhancing the quality of the environment.
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- d. Protect the rights of fisherfolk in the preferential use of the municipal waters to include safeguarding offshore fishing grounds against intrusion of large scale fishing vessels;
- e. Provide support to the fishery sector, including women and youth sectors, through utilization of appropriate technology and research, adequate financial, production, and marketing assistance and construction of post harvest facilities.
- f. Manage fishery and aquatic resources, in a manner consistent with the concept of an integrated coastal area management and enhancing the people's participation in management of coastal resources.

Section 4. Definition of Terms. When used in this Ordinance, the following terms and phrases shall be construed as:

- 1. **Air Compressor Diving** – also known as “hookah” diving, is a underwater diving activity using a small air compressor, as the source of air, which is located at the water surface, normally mounted to the boat or raft, commonly powered by a portable gasoline engine, and air is delivered to the diver via a floating air hose.
- 2. **Aquaculture** - fishery operations involving all forms of raising and culturing fish and other fishery species in fresh, brackish and marine water areas.
- 3. **Aquatic Resources** - include fish, all other aquatic flora and fauna and other living resources of the aquatic environment, including but not limited to salt and corals.
- 4. **City** - refers to the City of Bacolod.
- 5. **City Mayor** – refers to the City Mayor of Bacolod.
- 6. **Demarcated Areas** - boundaries defined by markers and assigned exclusively to specific individuals or organizations for certain specified and limited uses such as:
 - a. aquaculture, sea ranching and sea farming (mariculture);
 - b. fish aggregating devices such as fish shelters or payao's
 - c. fishing using fixed and passive gears; and
 - d. fry and fingerlings gathering

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7. **Fee** - A charge fixed by law or ordinance for the regulation or inspection of a fishing equipment, paraphernalia or activity.
 8. **Fish Cage** - any method of culturing fish and fishery aquatic resources in an enclosure which is either stationary or floating made up of mattings or screens sewn in or fastened together and installed in the water with opening at the surface or covered and held in a place by wooden or bamboo post of various types of anchors and floats.
 9. **Fish Corrals (punot)** - guiding barriers constructed made of bamboo/nylon netting, which are set by means of regularly spaced-stakes or post in tidal water or such shapes to direct the voluntary movements of fish into a desired area.
 10. **Fish and Fishery Products** - includes not only finfish but also mollusk, crustaceans, echinoderms, marine mammals, and all species of flora and fauna and all other products of aquatic living resources in any form.
 11. **Fisherfolk** - people directly or personally and physically engaged in taking and/or culturing and processing fishery and/or aquatic resources duly licensed by appropriate government agency.
 12. **Fisherfolk Cooperative** - self-help voluntary organization of fisherfolk recognized or accredited by the City.
 13. **Fishery Grant** - an exclusive fishing privilege to occupy and use a specific area in the municipal waters according to the approved water use zoning ordinance.
 14. **Fish Pen** - An artificial enclosure constructed within a body of water for culturing fish and fishery/aquatic resources made up of poles closely arranged in an enclosure with wooden materials, screen, or nylon netting to prevent escape of fish.
 15. **Fisheries** - refers to all activities relating to the act or business of fishing, culturing, preserving and marketing, developing, conserving, and managing aquatic resources, the areas and the right to fish or take aquatic resources thereof.
 16. **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.
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17. **Formalin** - A chemical solution known as Formaldehyde used as an antiseptic, disinfectant and preservative in industry, particularly in embalming.
 18. **Gratuitous Permit** - a permit issued by the Mayor free of charge, for fishing privileges purposely for scientific, research, and/or educational purposes only, or issued to conduct specific activities other than fishing for scientific, research, and/or educational purposes subject to certain conditions.
 19. **License** - a privilege granted by the City to a person to utilize fishery resources, with or without using the allowed fishing gears, or a privilege to use the allowable vessel/boat or specific gear in fishing, within the territorial jurisdiction, or establish and operate any fishery or fishing activities involving the utilization or trading of any fishery resources.
 20. **Mangrove** - a community of inter-tidal plants including all species of trees, shrubs, vines and herbs found on coasts, swamps, or boarder of swamps.
 21. **Marginal Fisher** - An individual engaged in subsistence fishing which shall be limited to sale, barter, or exchange of marine products produced by oneself and one's immediate family.
 22. **Mariculture** - fishery operations involving all forms of raising and culturing fish and other fishery species in brackish and marine water areas.
 23. **Municipal Fisherfolk** - persons who are directly or indirectly engaged in municipal fishing and other related fishing activities, using predominantly passive fishing gear.
 24. **Municipal Fishing** - refers to fishing within municipal waters using fishing vessels of three (3) gross tons or less, or fishing not requiring the use of fishing vessels; and fishing using gears that are passive in nature.
 25. **Municipal Waters** - include not only streams, lakes, inland bodies of water and tidal waters within the City as described and delineated in the City Ordinance No. 611 otherwise known as An Ordinance Adopting the National Mapping and Resource Information Authority (NAMRIA) Technical Description of the Municipal Waters of Bacolod City.
 26. **Permit** - a short-term privilege or authority granted by the City to a person to utilize any limited resources or undertake a limited activity within the municipal water without any right of occupation and possession thereof.
 27. **Person** - natural or juridical entities such as individuals, associations, partnership, cooperatives or corporations.
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28. **Seaweeds** - all marine algae used as food or producing derivatives such as agar, gums, algin, carrageenan, or other extracts of economic or commercial value, such as but not limited to gulaman-dagal (Tagalog), lato (Visayan), gozo (Visayan) and gamel (Ilocano).
29. **"Tangab"** - a filter net used in catching small shrimps. It is usually set in against the tidal current, both end and flood.

A. UTILIZATION AND MANAGEMENT OF FISHERIES AND AQUATIC RESOURCES

Section 5. *Preferential Right of Marginal Fishers.* The City may grant fishery privileges to erect fish corrals, oyster mussel, or other aquatic beds of bangus fry areas within a definite zone of the municipal waters as determined by it: Provided, however, that duly registered organizations and cooperatives of local marginal fishermen shall have the preferential right to such fishery privileges. Upon posting of notice within reasonable period the interested group or groups of marginal fishermen shall signify their intent to avail of the preferential right through submission of the letter of intent to exercise such right with the required application form attached to the Sangguniang Panlungsod for appropriate endorsement to the Committee on Auction. Should two (2) or more groups have signified their intent to avail the right, the committee may draw up the criteria of selecting the qualified applicant. A fishery privilege shall be granted to the selected group of marginal fisherfolk upon payment of the amount prescribed in Section 30 of this ordinance.

Section 6. *Committee on Auction.* In case where there are no registered organizations or cooperatives or failure of the same to exercise their preferential rights, a committee on auction is hereby created composed of the City Treasurer as Chairman and least two (2) members from the Sangguniang Panlungsod as members, specifically Chairpersons on Committee on Agriculture and Ways and Means.

Section 7. *Publication of Notice.* The Committee on Auction shall advertise notice of sealed bid for exclusive fishery privileges in areas or zones of the Municipal Waters, which are available for erecting fish corrals or constructing or operating oyster culture beds, mussel beds or aquatic beds, construction of fish pen, cages and similar structures, taking or catching bangus fry or other species for propagation purposes by posting said notice in a newspaper published in the locality, if any, or in conspicuous places in the locality such as the City Hall or Barangay halls, for a period of not less than 15 days.

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Section 8. Time and Place of Auction. The City shall, in a resolution, provide for a notice calling for a sealed bid for the exclusive fishery privileges granted under Section 149 of the Local Government Code of 1991 specifying under the time and place of the auction, the amount to be deposited before any exclusive fishery privilege is granted and the bond as guarantee of good faith and/or satisfactory compliance with the terms and conditions of the lease or grant. The bond shall be in cash, or real property situated in the Philippines, or by Surety Company authorized for the purpose in an amount not less than one (1) year rental.


B. LICENSES AND PERMITS

► **Section 9. Licenses and Permits.** No person shall be allowed to gather, take or catch fish or other aquatic products or to engage in gathering, taking, or catching fish of other aquatic products, by means of nets, traps or other fishing gears within the jurisdiction of the City or by means of fishing boats or any vessel unless provided with the necessary license/permit issued for the purpose by the Mayor. Likewise, no person shall be allowed to operate fish corrals, fish cages, fish pens, fish aggregating device or "payao", oyster culture beds, mussel culture beds or other aquatic beds, or take or catch bangus fry of other species within the jurisdiction of the City without first securing a license or grant of fishery privileges thereof as provided in this ordinance.

Application for licenses and permits shall be submitted and processed in the City Agriculture Office. Licenses shall be renewed not later than the last working day of February every year, while application for permits for transient fisherfolk shall be processed and acted upon after the end of the said period. Failure to renew their licenses on the prescribed deadline shall pay corresponding surcharges for the renewal of license. License and permits shall be in proper form and shall be presented and available for inspection by the duly authorized officers or fishery law enforcers.

Application for construction and establishment of fish cages, fish pens, oyster beds and mussel beds shall be first verified, evaluated and inspected by the City Agriculturist or his duly authorized representative before the issuance of such permit for the purpose of validating specified zone for establishment identified by the Local Government in consultation with the City FARMC or in accordance with the approved Municipal Waters Use Ordinance of the City.

A year after the implementation of this ordinance, application for the renewal of licenses rentals shall be submitted and processed in their respective barangays, which shall serve twenty percent (20%) of the gross collection. After the prescribed period to renew the fisherman's license issuance shall be conducted and processed at the City Agriculture Office, wherein appropriate surcharges shall be imposed. Provided, however, that all grantees of fishing privileges and contracts shall submit an annual data of information relative to production, prior to renewal of any license, grants, permits, contracts or lease.



Section 10. Licensing of Fishing Boats Three (3) Gross Tons or Less. No person shall be allowed to operate fishing boats three (3) gross tons or less without the fishing boat license issued by the Mayor. Fishing boat license shall only be issued to registered fishing vessels in accordance with the City Ordinance No. 445-2007.

Section 11. Requirements for Licenses and Permits. An applicant for a license or permit shall comply with the following requirements prior to issuance of the same;

A. Fishing Boat License:

- a. Duly accomplished application form
- b. Copy of Certificate of Number (Vessel Registration)
- c. Payment of appropriate fee

B. Fishermen's License and fish vending license

- a. Duly accomplished application form
- b. Residency Certification from the Barangay
- c. Community Tax Certificate
- d. Payment of appropriate fee

C. Fishing Permit:

- a. Copy of fishermen's license issued by his place of residence
- b. Payment of appropriate fee.

D. Mariculture License/Fishery Grant

1. Duly accomplished application form
2. Residency Certification from the concerned barangay
3. Environmental Compliance Certificate (ECC) or certificate of Non-coverage from the DENR. (for fish cages and fish pens)
4. Certificate of inspection of the proposed site (from the Agriculture Office)
5. Zoning compliance from MPDO

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6. Community Tax Certificate

7. Payment of appropriate Certification and License fees


The City shall give priority to its resident fishermen in the issuance of authority to utilize fishery resource of the City. Fishermen's license shall only be issued to resident fishermen within the City. The holder of a fishing permit issued by the City shall be allowed to use a licensed municipal fishing boat and fishing gears authorized by the City to be used within municipal waters.

Section 12. Processing of Applications. All application shall be processed and endorsed by the City Agriculture Office and be forwarded to the City Treasurer's Office for the payment of appropriate fee before it can be forwarded to the Office of the City Mayor for the issuances of permit, grant or individual license in case where there are no registered organization or cooperatives and no bidders opt to lease fishing zones. In the processing of application, the City Mayor shall satisfy himself that the license, permit, rentals applied will not prejudice the public interest and the portion or area from which application for lease has been presented is not covered by any subsisting lease and certified by his duly authorized representative.

Section 13. Grounds for Rejection of Application, Suspension of Permits and Licenses. Any application for gratuitous permit, license or permit may be rejected, suspended or cancelled for the following reasons:

- a.) Giving false statement in the application forms or misrepresentation;
- b.) Loss of interest or voluntary request by the licensee/permittee;
- c.) When public interest so requires
- d.) Failure to comply with the responsibilities of the licensee as provided by this ordinance.
- e.) Failure or refusal to pay without justifiable cause, the rentals and/or charges in accordance with the provisions of this Ordinance.

Section 14. Gratuitous Permit. The City Mayor may grant a gratuitous permit to any person, agency or institution that may conduct educational and scientific researches related to fishery conservation, utilization and preservation. Provided, that gears, paraphernalia, equipment or gadgets to be used in the operation are specifically declared and with prior approval from the Mayor. Provided further, that the permittee shall be required to submit a copy of the results or the technical report of the said research or scientific resource surveys, assessment or resources evaluation to the Office of the Mayor.



C. FISHERY GRANT

Section 15. *The Grant of Exclusive Fishing Privileges* - Pursuant to Section 149 of RA 7160, the grant of fishery privileges to erect fish corrals, oyster beds or other aquatic beds or gathering of "bangus" fry or fry of other species within a definite zone of the municipal waters shall be considered as exclusive fishery privileges which shall be granted with preferential rights to duly registered organizations and cooperatives of marginal fishermen: Provided, however, that in the absence of such organizations and cooperatives or their failure to exercise their preferential rights, the Committee on Auction shall conduct a public bidding for the grant of such privileges. The City Mayor upon the authority of the Sangguniang Panlungsod may grant the exclusive fishery privileges for a period not exceeding three (3) years subject to renewal, upon filing another application for such privileges.

Section 16. *Application for Exclusive Fishery Privileges* - Application for any exclusive fishery privileges mentioned in the preceding section shall be made on official form duly approved by the City. In case the applicant is a corporation, association or partnership, the application shall be accompanied by documents consisting of the articles of incorporation or partnership, by-laws and certificate of registration, and such other documents showing that applicant is qualified under this ordinance.

Section 17. *Place of Filing and Application Fee* - An application shall be filed with the Office of the City Agriculturist and must be accompanied by proof of payment of application fee. *The application fee stipulated in the revenue code is not refundable.*

All applications received shall be given serial numbers and shall be duly recorded in the registry book provided for the purpose.

Section 18. *Priority Right of Application* - In determining the priority of applications, the following rules shall be observed:

- a. When two or more applications are filed for the same area which is unoccupied, the first applicant shall have the right of preference thereto.
 - b. Between an applicant for and bona fide occupant of an area, the latter shall have the right of preference to the said area, in which case, the actual occupant if qualified shall be advised by the Mayor to file an application for exclusive privileges for the area he/she occupied within thirty (30) days from the receipt of a notice to that effect. If the occupant is not qualified under the law or in accordance to the provisions of this ordinance, or loses his right for failure or refusal to file his/her application within the time mentioned above, he/she shall be required to vacate the premises.
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Section 19. *Persons Eligible for Exclusive Fishery Privileges* - In the absence of such organizations and cooperatives or their failure to exercise their preferential rights, the following under this ordinance are eligible for fishing and fishery privileges.


1. A natural born citizens of the Philippines and bona fide resident of the City.
2. Corporations duly incorporated or registered under the law of the Philippines at least 60% of the capital stock or interest of which belongs wholly to natural born citizens of the Philippines.
3. Cooperatives, partnerships, or associations duly organized by natural born citizens of the Philippines and registered under the laws of the Philippines.
4. An individual applicant for exclusive fishery privileges or fishery grant must be at least 21 years of age.

Section 20. *Fishery Grant for Mariculture Projects* - No person, natural or juridical shall occupy or use any portion of the designated mariculture zone, or construct or establish structures for mariculture project purposes without first securing therefore a license or grant in accordance with the provisions of this ordinance. Provided that, such grant shall not exceed three (3) years subject to renewal.

1. Establishment of Fish Cage and Fish Pen

1.1 Area that may be granted - Any person qualified under the law and in accordance with the provisions of this ordinance to occupy an area for fish cage or fish pen project purposes may be granted a license covering an aggregate area not exceeding five hundred (500) sq. meters subject to the exception herein provided. A person who are actually a holder of a license or grant covering an area as provided herein shall be precluded from acquiring any right or interest in another grant or license issued to any corporation, association, or partnership, even if his interest is that of a stockholder or member thereof.

A husband and wife living together shall not hold under individual or separate licenses or grants an aggregate area not exceeding five hundred (500) square meters, subject to the exception herein provided for. A husband and wife who are living separately by virtue of a decree of legal separation granted under the Civil Code of the Philippines may each apply for a license or grant covering an aggregate area of not more than five hundred (500) sq. meters.




A corporation duly registered with the Securities and Exchange Commission and authorized by law to transact business in the Philippines or association or cooperative duly registered and accredited by the City, may be granted a license or grant covering an aggregate area not exceeding two (2) hectares.

1.2 Establishment of Fish cage and Fish Pen Areas - no fish cage and fish pen farm lots shall be established within a distance of not less than ten (10) meters from each other nor shall they be so establish as to obstructs free navigation. Provided, however, that such a distance shall apply only in case of different ownership for the said farm lots.

Section 21. Establishment of Fish Corrals, "Tangab" and other similar structures - License/grant issued to construct or establish fish corrals, "Tangab" and other similar structures shall contain provisions to the effect that:

- 1.) No person shall be allowed to establish fish corrals within the municipal waters of the City outside the designated area for fish corrals in accordance with the provisions of this Ordinance.
- 2.) Fish corrals shall be establish at a distance of not less than 60 meters from each other in case of the same ownership, and not less than 100 meters from each other in case of different ownership.
- 3.) Fish corrals' catching chamber (bunu-an) shall be made up either bamboo matting /splitting (banana) with slats having a distance of 1 centimeter, or polyethylene net with a mesh size of not less than 3 centimeters from opposite knots when fully stretched.
- 4.) No grant/license shall be issued unless the area has been inspected by authorized City Agriculture Office representative and shall be valid only on specific area applied for.

Section 22. Establishment of Oyster and Mussel Beds/Farm

1. No person shall establish oyster or mussel culture beds within City waters without necessary permits or license issued by the Mayor in accordance with the provisions of this Ordinance.
 2. Restriction on Oyster/Mussel Farming/Culture
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1. Size of Oyster/Mussel Farm
 - a.) For individual – Not more than aggregate maximum area of one (1) hectare; Provided, that only one (1) license shall be issued to a family, either to the husband or wife unless they are living separately and independently from each other, and provided further, that any member of the family and living independently, may also apply for a license.
 - b.) For partnership, associations, corporations, cooperatives – Not more than an aggregate maximum area of ten (10) hectares.
2. No oyster/mussel beds shall be established within a distance of more than twenty (20) meters from each other nor shall they be so established as to obstruct free navigation. Provided, however, that such distance shall apply only in case of different ownership of the said bed/s.
3. No oyster/mussel bed/s shall be established utilizing a stake and broadcast methods after the approval of this Ordinance.
3. No grant/license shall be issued unless the area has been inspected by authorized City Agriculture Office representative.

Section 23. General Conditions under Which Licenses or Grants are Issued - every license or grant shall be governed by the provisions of this ordinance, as well as by those which may hereafter be issued or promulgated, especially by the following terms and conditions:

Authority of the Sanggunian – The licenses or grants limit in no way the authority of the Sanggunian to impose such terms and conditions as it may consider necessary for public interest.

Licensee or grantee shall comply with the law, rules and regulations – The licensee or grantee subjects himself or itself unconditionally to all laws, rules and regulations now existing and to those that may hereafter be promulgated governing fisheries.

Statements in application as part of conditions of license or grant – Any or all of the statements made in the corresponding application shall be considered as essential conditions and part of the license or grant issued. Any false statement in the application or material omission of facts or any alteration, change, or modification of any or all the terms and conditions mentioned therein shall *ipso facto* cause the cancellation of the license or grant.

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Exclusive privilege – No license or license to exploit any other resources within the area granted detrimental to the interest of the licensee or grantee shall be granted to other persons.

Free access to the area – The Mayor, the City Agriculturist and their duly authorized representatives shall have free access to the area under license or grant.

Free navigation – The licensee or grantee shall not obstruct the free navigation in any of the adjoining navigational lanes or impede the flow and ebb of the tide.

Markers or boundary lines – The licensee or grantee is under obligation to conserve or protect the boundary markers provided by the City of the area they occupied.

Improvements or structures – The licensee or grantee shall have no right by virtue of the said license or grant to claim reimbursement for the expenses incurred for improvements of whatever kind which he may have introduced on the area before, during or after the expiration or cancellation of the license or grant. Upon expiration and failure of the licensee or grantee to renew the license or grant for whatever reasons, or cancellation of the license for whatever ground, all the structures or improvements shall be removed at the expense of the licensee or grantee.

Section 24. Duties of Licensee or Grantee – Every licensee or grantee shall be governed by the laws, rules and regulations governing fisheries, more specifically by the following:

25.1 To take precaution as may be necessary to prevent aquatic pollution or create deleterious effect to marine environment its operation.

25.2 To assume or accept responsibility for any pollution or destruction to marine environment covered by the license or grant which may cause by the operation of the area or by the actuation of the representative or employee of the licensee or grantee.

25.3 To submit to the Mayor, in prescribed form, a yearly report or other statements on the operations of the project as may be required from time to time.

25.4 To report to the fishery law enforcement agents of the City, any person found fishing with the use of explosives or poisonous substances, or committing any illegal or unlawful acts, within or adjoining the area covered by the license or grant.

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25.5 To allow at any time any duly authorized representative of the City to inspect all the records required in connection with the operation of the area.

25.6 To carry at all times the license and ready to exhibit them upon demand by any of the law enforcement officer authorized under this ordinance.

25.7 To vacate the area covered by the grant upon its expiration or cancellation.

Section 25. Grounds for Cancellation – The license or grant may be cancelled for any of the following reasons:

- a. Serious or continued violation of the fisheries laws or any of the terms and conditions of the license or grant.
- b. Repudiation or abandonment of the area granted.
- c. Lost of interest or voluntary request of the licensee or grantee.
- d. When public interest so require.
- e. Failure or refusal to pay without justifiable cause, the fees and charges due in accordance with the provisions of this ordinance, without prejudice to any action which the City may take to recover the amount due.

Section 26. Termination of License or Grant Upon the Death of Licensee or Grantee – The license or grant shall *ipso facto* be terminated upon the death of the licensee or grantee. However, a new license or grant upon application within sixty (60) days from the date of death of the licensee or grantee may be issued or granted to the heirs or assigns, as the case maybe, if duly qualified to hold a license or grant in accordance with the requirements of this ordinance.

Section 27. Orientation Seminar – All licensees and grantees or their authorized representatives in the case of the cooperatives or corporations are required to attend the orientation seminar on their Duties and Responsibilities to be conducted by the Office of the City Agriculture prior to the release of their respective licenses or grants.

D. SCHEDULE OF FEES AND OTHER CHARGES

Section 28. Fishery Rentals, Fees and Charges Imposition – The following are the annual fees and other charges for specific categories;

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1. Fishery Grant (Mariculture)

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| 1.1. Certification Fee (Zoning Compliance) | P | 50.00 |
| 1.2. Inspection Fee | | 100.00 |
| 1.3. Permit to Construct | | 100.00 |
| 1.4. Operation of oyster culture beds, mussel culture beds or other aquatic beds Less than one thousand (1,000) sq. meters | | |
| 1,000 sq. meters or more, but less than 2,000 sq. meters | | |
| 2,000 sq. meters or more, but less than 4,000 sq. meters | | |
| 4,000 sq. meters or more, but less than 6,000 sq. meters | | |
| 6,000 sq. meters or more, but less than 8,000 sq. meters | | |
| 1.5. Fish corrals erected at sea (depth measured during lowest low tide)
Less than (3) three meters deep | | |
| Bid price per area not less than | | 5,000.00 |
| 3 meters deep or more, but less than 5 meters deep | | |
| 5 meters deep or more, but less than 10 meters deep | | |
| 8 meters deep or more, but less than 10 meters deep | | |
| 10 meters deep or more, but less than 15 meters deep | | |
| 15 meters deep | | |
| 1.6. Net enclosure or fish pen with an area of 5,000 sq. meter or fraction thereof | P | 5,000.00 |
| 1.7. Fish cages (snapper, siganids, lapu-lapu, bangus and other species) with an area of 500 sq. meter or fraction thereof | P | 5,000.00 |

2. Fishing and other fishery activities

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| 2.1. Fisherfolk License | P | 100.00 |
| 2.2. Fishing Permit
(for transient fisherfolk valid for 6months) | P | 1000.00 |



3. Fishing Boat License


3.1 Non-motorized	50.00
3.2. Motorized	
a. With engine of 10 hp or less	200.00
b. With engine of more than 10 hp but less than 15 hp	300.00
c. With engine of 15 hp or more but less than 50 hp	500.00
d. With an engine of 50 hp or more	1,000.00
4. Application fee	50.00
5. Special fishery grant for marginal fisherfolk (demarcated areas)	
8.1. Fish pen	P
8.2. Fish cage	P
6. 10 % surcharge for late renewal of licenses	

E. RULES, REGULATIONS AND PENALTIES

Section 29. *Unauthorized Fishing.*

Any person caught fishing and/or established any structure without the appropriate license or permit shall be fined by not less than **One Thousand Five Hundred Pesos (P1,500.00)** but not more than **Four Thousand Pesos (P4,000.00)** or not less than **Two Thousand Pesos (P2,000.00)** but not more than **Five Thousand Pesos (P5,000.00)** in the case of unauthorized structures and the cost of demolition of the said structures. Provided that, marginal fisherfolk violating this provision shall be fined by not more than **Five Hundred Pesos (P500.00)** pursuant to Section 86 of R.A. 8550.

Section 30. *Prohibition In The Dumping Of Waste Materials In Beaches, Seashores, Rivers and Along The Shoreline of the City.* No person shall be allowed to throw or dump or cause to throw or dump, trash fish, garbage, such as broken glasses, waste materials, used oils, petroleum products, industrial waste, plastics and other non-biodegradable materials in the beaches, seashores, bays and along the shores. Any person caught violating this section shall be punished by an imprisonment of not less than **one (1) month** but not more than **six (6) months** and/or a fine of not less than **Two Thousand (P2,000.00)** but not more than **Five Thousand (P5,000.00)** at the discretion of the court. Any business establishment violating this provision shall cause the cancellation of its business license.




Section 31. Prohibiting the Use of Formalin as Preservative For Fish and Fishery Aquatic Products. It shall be unlawful for any person to use formalin in preserving fish and fishery aquatic products in any manner in order to maintain their physical qualities, which are intended for human consumption or dispose of for profit any fish or fishery/aquatic products, which have been contaminated with formalin. Violation of this provision is punishable by imprisonment of six months (6) and/or a fine of One Thousand (P1,000.00) to Two Thousand Five Hundred (P2,500.00) or both such fine and imprisonment at the discretion of the court and confiscation of subject fish products.

Section 32. Regulating the Utilization of Mangrove Areas. No person shall be allowed to construct fishponds, construct any structure or convert mangrove area or swamplands into other purpose, within the jurisdiction of the City, whether within the government leased land or private land, that will impede the flow and ebb of the tide to and from the interior of the swamps, or will cause to cut mangrove trees, or will cause to affect the existing or planned coastal conservation programs of the City. Provided, however that, if through appropriate technical evaluation, areas previously classified as mangrove areas have been found to be technically unsuitable or conversion to other purposes is more economically valuable, the Sangguniang Panlungsod may, after proper public consultation, pass a resolution or enact an ordinance converting such specific mangrove areas for other purposes and may endorse the same to appropriate national government agency the granting of permit or lease subject to the conditions as maybe promulgated by the Sanggunian.

Violation of this provision shall subject the offender to a fine of not less than One Thousand (P1,000.00) to Two Thousand (P2,000.00) per tree cut or an imprisonment from one month (1) to six month (6) or both such fine and imprisonment at the discretion of the court. Any national government official who endorses to their agency, the approval of any application for foreshore or fishpond lease or any authority or license to develop the coastal areas within the jurisdiction of the City without the appropriate endorsement from the Sanggunian shall be punishable by a fine of Five Thousand Pesos (P5,000.00).

Section 33. Regulating the Use of Air Compressor in Fishing. No person shall be allowed to use air compressor in fishing or any underwater activities without the necessary license from the City. Provided that, license to use air compressor shall be only be issued to licensed fisherfolk and shall be limited to the use in the gathering of shellfishes, underwater salvaging, conduct of underwater works or installation of underwater structures. Discovery of fishes or any other fishery/aquatic products other than those allowed by the license to any person using air compressor during its operation shall constitute a prima facie presumption that the person is engaged in unauthorized use of air compressor. Violation of this provision shall be punished with an imprisonment of one (1) month to six months (6) or a fine of not less than One Thousand (P1,000.00) but not more than Three Thousand Five Hundred (P3,500.00) or both such fine and imprisonment at the discretion of the court, and confiscation of the compressor and its accessories.



Section 34. Construction of Fish Pens, Fish Cages, Seaweeds Farms and other Aquaculture Project in Non-Mariculture Designated Area. It shall be unlawful for any person to construct fish pens, fish cages, seaweeds farms and other aquaculture projects and traps in non-mariculture designated areas within the municipal waters or in a manner which shall obstruct navigation, flow and ebb of tides, or the migration paths of fish and aquatic species. Violation of this provision is punishable with a fine of P 500 per day that the fish pens, fish cages, seaweeds farms and other aquaculture projects or traps remain in the municipal waters, and/or imprisonment of not less than **one (1) month to six (6) months** or both such fine and imprisonment at the discretion of the court. Fish pens, fish cages, seaweeds farms or other aquaculture projects or traps constructed, established or deployed in violation of the above provision shall be ordered removed or demolished by the mayor after 15 days that due notice to the owner or operator thereof had been serve, without prejudice to subsequent prosecution and reimbursement for expenses incurred in removing or demolishing the prohibited structures.

Section 35. Obstruction to Fishery Law Enforcement Officer. Any person who evade, interfere, obstruct or hinder the fishery law enforcement officer in performing his duty or in conducting lawful inspection to any fishing boat, vehicle or cargo shall be fined **Two Thousand Five Hundred Pesos (P2,500.00)** without prejudice to the filing of separate administrative case against the violator, if the offender is a government employee.

Section 36. Compromise Fine. In cases of first offenses committed under this ordinance, the offender may request for leniency through the City Mayor. Provided that, the City Mayor, is hereby authorized to consider such request and imposed the appropriate compromise fines not exceeding the amount of fine provided by this ordinance, upon the recommendation of the Fisheries Administrative Body. Provided further, that, a Fisheries Administrative Body shall be created which shall be composed of the City Agriculturist, as Chairman, SP Committee Chairman on Agriculture/Fisheries and the City Treasurer, as members. Provided finally, that the requests shall be made in writing, and under oath, within five days from the time of apprehension which shall subsequently be acted upon by the concerned officials within three days.

Section 37. Functions of Fisheries Administrative Body. The Fisheries Administrative Body which shall be created under this ordinance shall have the following functions and responsibilities:

- a. Assess or evaluate the request or plea.
 - b. Conduct further investigation, if necessary.
 - c. Recommend to the mayor the necessary action or the amount of penalty to be imposed subject to the penalty provisions of this ordinance.
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F. GENERAL PROVISIONS

Section 38. *Trust Fund for Coastal Resource Management Program.*

Fifty percent (50%) of all license/permit fees and charges, fishery rentals and fines collected pursuant to this ordinance and the rules and regulations promulgated by virtue of this ordinance shall be deposited to the *Special Trust Fund* which shall be intended for the implementation of the City's Coastal Resource Management Program, operation and logistics supports for the fishery law enforcement unit and other marine conservation programs of the City including the granting of benefits for the members of bantay-dagat task force. The remaining 50% will be added to the General Fund. The Special Trust Fund shall be appropriated based on the following: logistic support for law enforcement, fisherfolk livelihood support, institutional/FARMC support. Provided, however that, the City Treasurer shall immediately open/establish such trust account to the authorized bank of the City upon approval of this ordinance.

Section 39. *Assistance/Support to Fisherfolk.* To effectively implement the fisheries licensing system of the City as provided in this ordinance, all livelihood or financial assistance to local fisherfolk of the City including endorsements to other agencies or financial institutions to avail of the same shall only be extended or granted to registered/licensed fisherfolk.

Section 40. *Implementation.* The Philippine National Police (PNP), Maritime Command (MARICOM), Philippines Coast Guard (PCG), Fishery Law Enforcers/deputized fish wardens and all other law enforcement agents authorized by existing laws to enforce fishery law, 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, fishing paraphernalia in favor of the government. Provided, that, the mayor or his/her duly authorized representative shall have the authority to prosecute or file appropriate complain to the concerned court or judicial body against the violators of the applicable fishery laws.

A quarterly report on fines, apprehension and accomplishment shall be submitted by the City Agriculture Office to the Sangguniang Panlungsod.

Section 41. *Repealing Clause.* Previously approved Ordinances or parts thereof, which is in conflict with any provision of this ordinance, are hereby repealed or amended. City Fisheries Ordinance No. 264 Series of 2000 is hereby repealed.

Section 42. *Separability Clause.* If for any reasons, any part of this ordinance shall be held unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

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Section 43. Effectivity. This ordinance shall take effect fifteen (15) Days after a copy hereof is posted in a bulletin board at the entrance of the City Hall and in at least two (2) other conspicuous places and after the ordinance has been published once in a local newspaper of general circulation in the City.

CARRIED BY THE VOTE OF:

Affirmative:

Councilors : El Cid M. Familiaran, Homer Q. Bais, Archie S. Baribar, Catalino T. Alisbo, Em L. Ang, Elmer T. Sy, Sonya M. Verdeflor, Caesar Z. Distrito, Carlos Jose V. Lopez, Mona Dia G. Jardin.

Negative : None.

Absent : None.

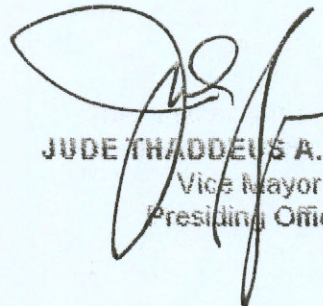
Official Travel: Councilor Al Victor A. Espino.

Official Leave: Councilors Roberto M. Rojas, Dindo C. Ramos and Keith Emmanuel L. Ramos.

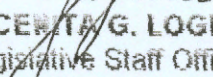
Author : Councilor Carlos Jose V. Lopez.

Passed : November 21, 2012 (125th Regular Session).

Comments: Passed.


JUDE THADDEUS A. SAYSON
Vice Mayor
Presiding Officer


ATTESTED:


RECENITA G. LOGRUNIO
Legislative Staff Officer III
OIC, Secretary to the Sanggunian

APPROVED: November, 2012.

EVELIO R. LEONARDIA
City Mayor

RGL/CLL/jbz

10 DAYS LAPSED
AS OF Dec. 15, 2012



A CERTIFIED PHOTOCOPY
OF THE ORIGINAL




Republika ng Pilipinas
Tanggapan ng Sangguniang Panlungsod
Lungsod ng Bacolod

CERTIFICATION

This is to certify that City Ordinance No. 618, Series of 2012, passed by the Sangguniang Panlungsod on November 21, 2012, entitled:

"AN ORDINANCE PROVIDING FOR THE SUSTAINABLE CONSERVATION AND DEVELOPMENT OF COASTAL AND FISHERIES RESOURCES OF BACOLOD CITY, PROVINCE OF NEGROS OCCIDENTAL"

was published in the December 28, 2012 issue of Sun-Star Bacolod and was likewise posted in the bulletin board of the Sangguniang Panlungsod at the New Government Center as required in the said City Ordinance and is now therefore legally in effect.

Bacolod City, Philippines, January 14, 2013.

HELEN P. LEGASPI
Board Secretary IV
OIC, Secretary to the Sanggunian