

ORDINANCE NO. 82

AN ORDINANCE REGULATING THE FISHING OPERATION WITHIN THE MUNICIPAL WATERS OF BULALACAO, ORIENTAL MINDORO

Sponsored by: Hon. Oscar C. Familara
Chairman: Committee on Agriculture

BE IT ORDAINED by the Sangguniang Bayan of Bulalacao, Oriental Mindoro:

SECTION 1. POLICY AND PURPOSE. This ordinance is hereby enacted in order to (a) protect the marginal fishermen against heavy exploitation of the municipal waters and its resources by fishermen coming from places outside of the jurisdiction of the Municipality of Bulalacao, Oriental Mindoro;

(b) Protect the legitimate interest and welfare of persons who have financial investment in the construction of fish corals, after duly permitted by the municipal government, against abusive fishermen;

(c) Protect the legitimate interest and welfare of the concessionaires of the awarded municipal water zones from unscrupulous catchers of lapu-lapu fry, bangus fry and other fry of different species of fish propagation;

(d) Improve/uplift the living standards of the inhabitants of coastal barangays;

(e) Provide marginal fishermen with livelihood projects and ensure support from the local government unit.

SECTION 2. DEFINITION OF TERMS. As used in this ordinance, the following shall, unless the context otherwise requires, be construed thus:

(a) "DUMMY" refers to person or group of persons used by stranger fisherman in transferring the property to cover the real identity of the owner and to wriggle off any difficulty imposed by law or ordinance;

(b) "FISH CORALS" refers to stationary weir or trap device to intercept and capture fish consisting of raws of stakes of bamboos and net with one or more inclusions usually with easy entrance but difficult exit and with or without leaders to direct the fish to the catching chamber;

(c) "MARGINAL FISHERMAN" refers to an individual engaged in subsistence fishing which shall be limited to the sale, barter or exchange of marine products produced by himself and his immediate family;

(d) "OPERATOR" includes the owner, manager, administrator, or any other person who operates or is responsible for the operation of fishing vessel or paraphernalia;

(e) "MUNICIPAL WATERS" includes not only streams, lakes, and tidal waters within the municipality, not being the subject of private ownership and not comprised within the national parks, public forest, timber land, forest reserves or fishery reserves, but also marine waters included between two lines drawn perpendicularly 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 and fifteen (15) kilometer from it. Where two (2) municipalities are so situated on the opposite shores that there is less than fifteen (15) kilometers of marine waters between them, the third line shall be equally distant from opposite shores of the respective municipalities;

(f) "PERSONS" means every natural or juridical being, susceptible of rights and obligations or of being the subject of legal relations;

(g) "RESIDENTS" refer to natural persons who have their habitual residence in this municipality where they exercise their civil rights and fulfill their civil obligations, and to juridical persons for which the law or any other provision creating or recognizing them fixes their residence in this municipality or the absence of such law, juridical persons shall be considered residents or principal place of business at Bulalacao, Oriental Mindoro;

(h) "STRANGER FISHERMAN" includes any person who is not a bonafide resident of Bulalacao, Oriental Mindoro.

SECTION 3. REGULATED ACTS. It shall be unlawful for any person to (a) catch fry of any species of fish propagation within the definite awarded zone through public auction of the local government without the approval of the Municipal Mayor and the consent of the legitimate concessionaire;

(b) to catch fish in areas where fish corals are constructed except when said fish corals are no longer existing and has become unproductive;

(c) to catch fish within the municipal waters with the use of fine meshed net, provided, however, that this prohibition shall not apply to the catching of bangus fry, sugpo fry, banak fry, glass eel, and other species which by their nature are already mature such as: "alamang", "tabios", "dilis", "dulong" and "hipon";

(d) to gather bangus fry, lapu-lapu fry or any species of fry of fish propagation without the knowledge and consent of the legitimate concessionaire provided, however that the lessee/grantee shall assume full responsibility for any and all acts of his catchers and employees connected with his operation;

SECTION 4. STRANGER FISHERMEN NOT ALLOWED. It shall be unlawful for all stranger fishermen to fish within the municipal waters of Bulalacao, Oriental Mindoro, except those expressly granted by the municipal government with exclusive fishery rights.

No person shall allow himself to be used as a dummy by any stranger fishermen for the purpose of securing permit to catch fish within the municipal waters of this Municipality;

SECTION 5. REQUIREMENTS FOR THE ISSUANCE OF FISHING PERMIT. In addition to the requirements prescribed under Ordinance No. 94-070, the following must be submitted by any applicant prior to the issuance of Municipal Fishing Permit;

- A. Certification from the Philippine Coast Guard that the Motorboat/Vessel is seaworthy and fit for applicant;
- B. Community Tax Certificate for the current year of the applicant;
- C. Income Tax Return for the previous year of the operator;
- D. Municipal Fishing Boat License for previous year in case of renewal;

SECTION 6. FUNCTIONS OF THE MUNICIPAL AGRICULTURAL OFFICE, BANTAY DAGAT AND FISH WARDENS. The Municipal Agricultural Office is hereby authorized to utilize all its resources to implement all laws and ordinances pertaining to the protection of municipal fishery resources against heavy exploitation of the same. Further, it shall have the authority to readmeasure vessels suspected to be erroneously registered.

Agents of Bantay Dagat and fish wardens in all coastal barangays who are duly deputized shall be utilized in the implementation of this ordinance as well as all fishery measures.

SECTION 7. ESTABLISHMENT OF CLOSED AND OPEN SEASON. The months of May to October are hereby declared as closed season during which period it is illegal to catch certain species of fishes, while the months of November to April are hereby declared open season during which period it is legal to catch certain species of fish.

SECTION 8. PENALTY. Any person who shall be found guilty of violating any provisions of this ordinance shall be punished by a fine of not less than Two Hundred Pesos (P200.00) but not more than Two Thousand and Five Hundred Pesos (P2,500.00) or imprisonment of not less than one (1) month but not more than six (6) months, or both at the discretion of the Court;

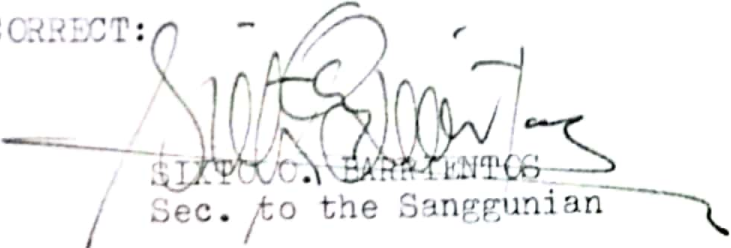
SECTION 9. REPEALING CLAUSE. Ordinances inconsistent hereof are hereby repealed, modified accordingly;

SECTION 10. SEPARABILITY CLAUSE. If, for any reason, any part of provision of this ordinance is held invalid or unconstitutional, the same shall not affect the rest of its provisions.

SECTION 11. EFFECTIVITY CLAUSE. This ordinance shall take effect ten (10) days after its posting.

ENACTED this 12th day of October, 1999.

CERTIFIED TRUE AND CORRECT:


SIXTO C. BARRIENTOS
Sec. to the Sanggunian