

Republic of the Philippines  
Province of Oriental Mindoro  
MUNICIPALITY OF BULALACAO

## OFFICE OF THE SANGGUNIANG BAYAN

Municipal Building, Poblacion, Bulalacao, 5214, Oriental Mindoro

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BULALACAO, ORIENTAL MINDORO HELD ON SEPTEMBER 22, 2009 AT THE SANGGUNIANG BAYAN SESSION HALL

**PRESENT:**

Hon. Teresita S. Bantugan	-	Presiding Officer
Hon. Emelita A. Osorio	-	Sang. Bayan Member
Hon. Eduardo C. Acheron	-	-do-
Hon. Rosalinda M. Cabagay	-	-do-
Hon. Gideon B. Abuel	-	-do-
Hon. Leonardo A. Andallon	-	-do-
Hon. Ramon G. Magbanua	-	-do-
Hon. Senen C. Familiara	-	-do-
Hon. Virgelio M. Astillo	-	Pangulo, Liga ng mga Brgy.
Hon. Ronelle G. Feranil	-	SK Fed. President

**ABSENT:**

Hon. Guillermo G. Salas, Jr.	-	Sang. Bayan Member
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### ORDINANCE NO. 09-09-103

ORDINANCE PROMULGATING RULES AND REGULATIONS IMPLEMENTING ORDINANCE NO. 09-08-102

SPONSOR: Councilor Gideon B. Abuel

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

SECTION 1. This Ordinance shall be known as "IRR for Ordinance No. 09-08-102 providing rules and regulations and guidelines for registration of fishing vessels three (3) gross tonnage and below";

SEC. 2. Definition of Terms. As used in these Guidelines, the following terms and phrases shall mean as follows:

Registration

An act/process of enlisting a fishing vessel three (3) gross tons and below for the purposes of establishing its identity and ownership by assigning it a permanent number [recorded in the municipal registry of municipal fishing vessels]

Ad measurement

Means the measure of the volumetric capacity of the fishing vessel to determine its gross tonnage

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<b>Gross Tonnage</b>	The product of vessel tonnage length, tonnage depth and tonnage breadth modified by a factor of 0.70 divided by 2.83
<b>License/Permit to fish</b>	The privilege to offish in its municipal waters granted to a registered fisherfolk by the LGU
<b>Municipal Agriculture Office</b>	Refers to the office tasked with the issuance and concession for all fishing activities within the municipal waters of the Municipality of Bulalacao and regulates fishing within the municipal waters
<b>LGUs</b>	Local government units as used in EO 305 refers to cities and municipalities
<b>Fishing vessel</b>	Any watercraft used for fishing or in support to fishing operations in municipal waters weighing three (3) gross tons and below
<b>Net Tonnage</b>	The GT modified by a factor of 0.32
<b>Registered Breadth</b>	The transverse distance taken at a widest part of the hull, excluding rub rails from the outboard side of the skin on one side of the hull to the outboard side of the skin on the other side of the hull
<b>Registered Depth</b>	The vertical distance taken at or near midships from a line drawn horizontally through gunwale of the skin of the sides of the hull (excluding the rail) to the outboard face of the bottom skin of the hull, excluding keel
<b>Registered Length</b>	The horizontal distance between the outboard side of the foremost part of the stern and the outboard side of the aftermost part of the stern, excluding fittings and attachments
<b>Tonnage Length</b>	The length measured at the centerline of the fishing vessel from the point forward where the line of the tonnage deck intersects the line of the inboard faces at the stern to the point aft where the line of the tonnage deck intersects the inboard faces of the stern

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**Tonnage Depth**

Measured at the centerline from a point below the line of the tonnage deck. Measurement taken at the right angle to the vessel centerline of the vessel down to the inboard of the bottom skin of the hull

**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, forest reserves or fishery reserves, but also marine waters included between two (2) 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 from point 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 (15) kilometers from such coastline. Where two (2) municipalities are so situated on opposite shores that there is less than thirty (30) kilometers of marine waters between them, the third line shall be equally distant from the opposite shore of the respective municipalities.

**Motorized fishing vessel**

A fishing vessel propelled by mechanical means

**MARINA**

Maritime Industry Authority

**PCG**

Philippine Coast Guard

**BFAR**

Bureau of Fisheries and Aquatic Resources

**Homeport**

Refers to the LGU where the fishing vessel is registered

**SEC. 3. Objectives.**

**3.1 Uniform Guidelines.** To prescribe a uniform system and procedure to guide all municipal local government units in the conduct of the registration of fishing boats three (3) gross tonnage and below.

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3.2 Institutional Arrangements. To delineate the functions of all national government agencies, leagues of local government units and all other relevant sectors involved in the registration of fishing boats three (3) gross tonnage and below.

3.3 Implementation and Monitoring. To establish mechanisms to implement this Order and enable all agencies involved to monitor compliance.

**SEC. 4. Roles of the Agencies and the Municipal Government of Bulalacao.**

4.1 The Municipal Government of Bulalacao shall enlist the support and technical assistance of MARINA and PCG with respect to registration of fishing vessels as provided for in E. O. 305 and separate data bank of the list of registered fishing vessels registered. With the exception of the registration functions as devolved the MARINA and PCG shall continue to exercise visitorial functions to enforce compliance with the Revised Philippine Merchant Marine Rules and Regulations and all other existing laws, rules and regulations on maritime safety.

4.2 The Municipal Agriculture Office shall engage the assistance of said office to qualify and issue appropriate documents to fisherfolks to operate a motorized and nonmotorized fishing vessels.

4.3 The Municipal Agriculture Office shall maintain a separate databank of the list of registered fishing vessels to record purposes and monitoring of level of fishing effort .

**SEC. 5. The General Registration Guidelines.**

**5.1 Application**

5.1.1 The Municipal Agriculture Office must require the applicant to file an application under oath using a standard application form, which shall contain the following information: Name of owner, nationality, residence, type and make of fishing vessel and propulsion, and other pertinent information like Certificates from BFARMC, Barangay Captain and Fisherfolks I.D.

5.1.2. Only residents of Bulalacao, single proprietorships, partnerships and/or corporations and duly registered or accredited fisherfolk associations and cooperatives base in the Municipality of Bulalacao are eligible to apply for registration.

**5.2. Tonnage Measurement**

5.2.1. The Municipal Agriculture Office through the BFARMC shall conduct an inspection of the fishing vessels to determine its gross tonnage using the metric formula as follows:

$$\text{Gross Tonnage} = \frac{\text{Tonnage Length} \times \text{Tonnage Breadth} \times \text{Tonnage Depth} \times 0.70}{2.83}$$

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5.2.2. The BFARMC Chairman or inspector from the Municipal Agriculture Office shall certify the correctness of the ad measurement in the standard tonnage measurement form.

### 5.3 Certification from the Philippine National Police

The Municipal Agriculture Office shall require the applicant to secure a clearance from the PNP Maritime Office in the LGU or in its absence, the local PNP, certifying that the fishing vessel is not involved in any criminal offense.

### 5.4 Issuance of Certificate of Number

The Municipal Agriculture Office shall issue a Certificate of Number using the standard format once all the documentary requirements are fully complied with and upon payment of the registration fee.

### 5.5 Payment of Fees

The Municipal Agriculture Office shall require the applicant to pay the prescribed registration fees as enumerated in the Section 10 of this I.R.R.

### 5.6 Official Number, Assignment of Name and Marking of Vessels

#### 5.6.1. Official Number

The Municipal Agriculture Office shall assign an official number to a registered fishing vessel, which shall correspond to a code specifying the Province, and LGU, which shall be painted permanently marked or plated on both sides of the forward portion of the fishing vessel.

#### 5.6.2. Assignment of Name

The Municipal Agriculture Office, upon request of the owner/operator may assign a name of the fishing vessels. A name shall be assigned to only one (1) fishing vessel regardless of type of fishing gear. If the proposed name has already been assigned to another registered boat, the owner or operator has the option of adding letters of the alphabet, any Arabic number or Roman numeral which can be represented by words or its numeric equivalent, to the proposed name.

The name of the fishing vessel shall be painted on both sides of the mid portion of the fishing vessel.

5.6.3. The Municipal Agriculture Office may institute a vessel-marking or color coding system within its municipality.

## SEC. 6. Monitoring of Registered Fishing Vessels.

6.1. The Municipal Agriculture Office shall institute a monitoring system to determine compliance with EO 305 and its Implementing Rules and Regulations.



1. Submission of a duly notarized Deed of Absolute Sale;
2. Posting in the Barangay or Town hall for seven(7) consecutive days giving notice that the fishing banca has been sold or transferred to a new owner;
3. Affidavit of Publication executed by the Barangay Captain or Municipal Mayor that said notice had been posted in the premises and that there are no oppositors to the fishing boat's sale; and
4. Original copy(ies) of the CN.

**B. In case of change in the engine**

In case of replacement of boat engine, an application for the issuance of new CN shall be filed with the current homeport accompanied by the following documents;

1. The original copy of the CN;
2. Official Receipt of Purchase of engine; and
3. Police Clearance that the engine purchased is not from a *carripped*/stolen vehicle.

**C. Change of name of the boat**

A Municipal Agriculture Office shall re-issue a CN when an owner or operator desires to change the name of his boat, upon application filed with the current homeport, stating the reason for such.

An application for change of name will not be approved if the boat is involved in civil case regarding question of ownership or in a criminal or civil case for violation of a fishery law or ordinance.

Only applications with complete documentary requirement shall be accepted. The following are the documents that should be attached to the application:

1. The original copy of the CN;
2. The posting of a notice in the Barangay Municipal hall on the Change of Name of the boat, for a period of seven (7) consecutive days;
3. Affidavit of publication executed by the Barangay Captain or Municipal Mayor that noticed had been posted in that no opposition or claims were filed against the boat during the seven-day period of publication.

**SEC. 9. Deletion or Cancellation of Registration.**

In case of loss or decay of the fishing vessel, or its involvement in a marine/maritime incident, the owner/operator shall immediately inform the Municipal Agriculture Office. The latter shall delete or cancel the fishing vessel's registration notifying its owner /operator and compliance of the requirements of due process.

**SEC. 10. Fees, Fines and Penalty.**

- A. Certificate of Number shall be issued once the documentary requirements are fully complied with and upon payment of the following registration fees.

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1 Gross ton	P300.00
1 Ton but less than 2 Tons	P 400.00
2 Tons to 3 Tons	P 500.00
Non -motorized banca	P 100.00
Renewal	P 100.00

**B. Penalty.**

Any person violating this Ordinance shall suffer the penalty of not less than one (1) month but not more than six (6) months imprisonment or shall be fined by an amount of not less than Two Hundred Pesos (Php200.00) but not more than Two Thousand Five Hundred Pesos (Php2,500.00) or both such fine and imprisonment at the discretion of the Court.

**SEC. 11. Time and Manner of Payment.**

The registration fee imposed herein shall be paid to the Municipal Treasurer within the first twenty days of January every year, the registration fee shall be paid without penalty within the first twenty days after its acquisition .

**SEC. 12. Surcharge for Late Payment.**

Failure to pay the fees prescribed in this Implementing Rules and Regulations within the time required shall subject the owner surcharge of twenty five percent (25 %) of the original amount of fees due, such surcharge to be paid at the same time and in the same manner as the original fees due .

**SEC. 13. Record-Keeping and Submission of Reports.**

The Municipal Agriculture Office shall maintain up to date records of fishing vessels three(3)gross tonnage and below under their jurisdiction and regularly submit to the MARINA Regional Office concerned, the PCG Station/Detachment and DA-BFAR the list of vessels registered and deleted/ cancelled within the first quarter of the succeeding year.

**SEC. 14. Municipal Government of Bulalacao Technical Capacity-Building.**

The Municipal Agriculture Office shall train its technical personnel with the assistance of the MARINA and PCG and designate appropriate officers for the full discharge of this devolved function. The MARINA and PCG shall extend assistance and support to ensure that the services needed by the public are not disrupted.

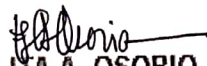
**SEC. 15. Rules of Construction.** Consistent with the intent of this Order, questions rose emanating from this Rules and Regulation shall always be interpreted in favor of the Municipal Government of Bulalacao as well as, in a supplementary manner; the promotion of responsible and sustainable fisheries, and maritime safety.

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**SEC. 16. Repealing Clause.** All Executive Order, Department Orders/ Memorandum Circulars, Rules and Regulations or parts thereof contrary to or inconsistent with this Implementing Rules and Regulations are hereby repealed or modified accordingly.


**SEC. 17. Effectivity.** This Ordinance shall take effect upon approval.

**ENACTED** this 22<sup>nd</sup> day of September, 2009, Bulalacao, Oriental Mindoro.

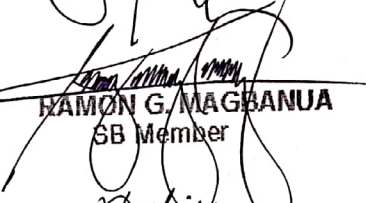
  
**EMELITA A. OSORIO**  
SB Member

  
**EDUARDO C. ACERON**  
SB Member

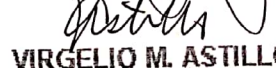
  
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SB Member

  
**GIDEON B. ABUEL**  
SB Member

  
**LEONARDO A. ANDALLON**  
SB Member

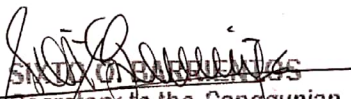
  
**RAMON G. MAGBANUA**  
SB Member

  
**SENEC C. FAMILARA**  
SB Member

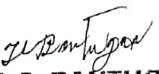
  
**VIRGELIO M. ASTILLO**  
Pres., Liga ng mga Brgy.

**RONELLE G. FERANIL**  
SK Federation, President


**CERTIFIED TRUE AND CORRECT:**

  
**Secretary to the Sanggunian**

**ATTESTED:**

  
**TERESITA S. BANTUGAN**  
Municipal Vice Mayor/Presiding Officer

**APPROVED:**

  
**ENGR. ERNILE C. VILLAS**  
Municipal Mayor  
Date Signed: Oct. 12, 2009