



Republic of the Philippines
Province of Bohol
Municipality of Jagna

Office of the Sangguniang Bayan

MUNICIPAL ORDINANCE NO. 20-06-2005

ARTICLE 1

TITLE OF THE ORDINANCE

SECTION 1 – This Ordinance shall be known as **FISHERIES AND COASTAL RESOURCE MANAGEMENT CODE OF JAGNA, BOHOL OF 2005**.

ARTICLE II

AUTHORITY AND PURPOSE

SECTION 2. AUTHORITY- This code is enacted pursuant to the provisions of Republic Act No. 7160, otherwise known as The Local Government Code of 1991, particularly Sections 3 on Operative Principles of Decentralization; Section 16, Sections 17 (2), 33, 34, 35, 36, 129; including Sections 444 which mandate among other, Municipal Mayors to adopt adequate measures to safeguard and conserve land, mineral, marine, forest and other resources; Section 447 on powers, duties and Functions of Sangguniang Bayan; Section 468 (a), 1(VI), which provides for the authority of the Sangguniang Bayan to protect the environmental and impose appropriate penalties for acts which endanger the environment such as dynamite fishing and other forms of destructive fishing acceleration of eutrophication of rivers and lakes. Bohol Provincial Ordinance No. 98-01; Series 1998 – An Ordinance Enacting the Environment Code of the Province of Bohol particularly on Article VI on Coastal Resources Republic Act No. 8550 – An Act providing for the Development, Management and Conservation of the Fisheries and Aquatic Resources particularly on section 16-on the Jurisdiction of Municipal, City Governments on Municipal Fisheries.

SECTION 3. GOVERNING LAWS – The Provisions of this Code shall be governed by, but not limited to the following National and Provincial Laws:

- a) RA 7160 – The Local Government Code of 1991;
- b) Presidential Executive Order No. 240 – The creation of Municipal Fisheries and Aquatic Resources Management Council (FARMC);
- c) RA 8550 otherwise known as the Philippine Fisheries Code of 1998 with its implementing rules and regulations;
- d) Presidential Decree No. 604 – Tasking the Philippine Coast Guard in marine environmental protection;
- e) Republic Act No. 6975 – Local Government Act of 1990 – creating the PNP-MARICOM under DILG.

SECTION 4. OBJECTIVE AND PURPOSE. This Code is enacted for the following objective and purpose:

Objectives:

1. To translate and promote to Jagna-anon Constituents the authority and purpose of national, provincial and other Philippines Laws governing the protection, conservation and development of our coastal and marine environment;
2. To ensure that all reasonable and practicable measures are taken by local government of Jagna to protect, restore and enhance the quality of coastal and marine environment having regard to the principle of ecologically sustainable development;
3. To improve the productivity of fishery and aquatic resources that can sustain its future generation.

Purposes:

1. To achieve food security thru proper utilization, management, conservation and protection of fishery resources in order to provide the food needs of the population;
2. To limit access to the fishery and aquatic resources of the municipal waters for the exclusive use and enjoyment of Jagna Fisherfolks;
3. To ensure the rational and sustainable development, management and conservation of fishery and aquatic resources of Jagna municipal waters;
4. To protect the rights of fisherfolks, especially of the local communities with priority to municipal fisherfolks in the preferential use the municipal waters;
5. to provide support to the fishery sector, primarily to the municipal fisherfolks, including women and youth sector of the fishing community through appropriate technology, marketing assistance and other services;
6. To manage fishery and aquatic resources in a manner consistent with the concept of an integrated coastal area management, supported by appropriate technical services and guidance provided the department;
7. To grant the private sector the privilege to utilize fishery resources under the basic concept that the grantee licensee or permittee shall not be only a privileged beneficiary of the municipality but also an active participant and partner of the local government in the sustainable development, management, conservation and protection of the fishery and aquatic resources of the municipality.

SECTION 5. APPLICATION OF ITS PROVISIONS.

The provisions of this Code shall be enforced in:

- a) All Municipal waters of Jagna, Bohol including other waters of rivers, lakes, creeks, and the like over which the Municipality has sovereignty and jurisdiction in accordance with the approved delineated area of Municipal Waters of the Municipality;
- b) All aquatic and fishery resources whether inland, coastal or offshore fishing areas including but not limited to fisherpens and cages;
- c) All lands devoted to aquaculture, or business and activities relating to fishery whether private or public lands.

SECTION 6. DECLARATION OF POLICY.

It is hereby declared the policy of the municipality to:

1. Promote conservation and ensure sustainable and equitable utilization of its coastal areas and resources in conformity with the Philippine Fisheries Code of 1998;
2. Ensure, for the benefit and enjoyment of the people of Jagna the judicious and wise utilization, protection, conservation and management on a sustainable basis of its coastal and fishery resources with the necessity of maintaining a sound ecological balance and protecting and enhancing the quality of the environment;
3. Protect the rights of the small and marginal fisheries in the preferential use of communal coastal and marginal fishers;
4. Allow people's full and active participation in the conservation and management of the coastal and fishery resources and promote awareness of sustainable fisheries through appropriate education and training;
5. Provide full support for sustainable, supply of fishery product in the municipal waters through appropriate technology and research, adequate financing, production and marketing assistance and other services;
6. Allow the private sector to utilize resources under the basic concepts that the grantee, licensee or permittee thereof shall not only be privileged beneficiary of the municipality, but also an active participant and partner of the municipal government in the management, development, conservation and protection of the fisheries and coastal resource of the municipality;
7. Promote and adhere to the precautionary principle of conservation, management, and exploitation of living coastal and fishery resources in order to assure the sustainable development of the coastal environment. The absence of adequate scientific and technical information should not be used as reason for postponing or failing to take conservation and management measures.

SECTION 7. DEFINITION OF TERMS:

1. **Aquaculture** – fishery operation involving all forms of raising and culturing fish and other fisheries species in fresh, brackish and marine areas.
2. **Aquatic/Coastal Pollution** – the introduction by human or machine, directly or indirectly, of substances or energy to the aquatic environment which result or its likely to result in such deleterious and hazardous effects as to harm all living and non-living aquatic resources, pose potential hazard to human health, hindrance to aquatic activities, such as fishing and navigation, including dumping/disposal; of waste and other marine litters, discharge of petroleum products or its residual and other radioactive, noxious or harmful liquid, gaseous or solid substances from any water or other manmade structure.
3. **Aquatic Resources** – includes fish and other aquatic flora and fauna and other living resources of the aquatic environment, including but not limited to salt and corals.
4. **Catch Ceiling**- refer to annual catch limit allowed to be taken, gathered or harvested from any fishing area in consideration of the need to prevent over fishing and harmful depletion of breeding stocks of aquatic organism.

5. **Close Season** – the period during which the taking or catching of specific fishery species by a specified fishing gears is prohibited in a specified area within the Municipal Waters.
6. **Coastal Area/zone-** is a band o dry land adjacent ocean space (Water & submerged land) in which terrestrial processes and uses directly affect oceanic processes and uses and vice versa; its geographic extent may include areas within a landmark limit of one (1) kilometer from the shoreline at high tide to include mangrove swamps, estuarine rivers, sandy beaches, to include coral reefs, seagrass beds and other soft-bottom areas.
7. **Commercial Fishing** – the kind of fishery species by passive or active gear for trade or profit beyond subsistence or sport fishing to be further classified as:
 - a) **Small Scale Commercial Fishing** – utilizing fishing vessels of 3.1 gross tons up to 20 gross tons.
 - b) **Medium Scale Commercial Fishing** – fishing utilizing active gears and vessels of 20.1 GT to 150 GT.
 - c) **Large Scale Commercial Fishing** – using active gears and vessels of more than 150 GT.
8. **Coral** – the hard calcareous substance made up of the skeleton of marine coelenterate animals living in colonies where their skeletons from a stony mass;
9. **Coral Reef** – a natural aggregation of coral skeleton with or without living coral polyps, occurring in intertidal and sub tidal marine waters;
10. **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;
 - b) Fish aggregating devices;
 - c) Fixed and passive fishing gears;
 - d) Fry and fingerlings gathering
11. **Electro fishing** – Fishing with the use of electricity generated by batteries, electric generators, to kill, stupefy, disable or render unconscious fishery species, whether or not the same are subsequently recovered.
12. **Endangered, rare and/or Threatened Species** - aquatic plants, animals including some varieties of corals and sea shells in danger of extinction as provided for in existing fishery laws, rules and regulations or in protected areas of DENR and in the convention on the International Trade of Endangered Species of Flora and Fauna (CITES)
13. **FARMC** – The Fisheries and Aquatic Resources Management Council, M-FARMC shall mean Municipal Fisheries and Aquatic Resources Management Council
14. **Environmental Compliance Certificate (ECC)-** Authorization issued by the DENR or the Governor as the case may be pursuant to law, to a project proponent which have been evaluated that the project will not bring about an unacceptable environmental impact to the surrounding habitat and community
15. **Fine Fish Nets** - Nets with mesh size of less than three centimeters (3cm.) measured between two (2) opposite knots of a full mesh stretched.

16. **Fish and Fishery/Aquatic/marine products** - include not only finfish but also mollusks, crustaceans, echinoderms, marine mammals and all other species of aquatic flora and fauna and all their products of aquatic living resources of any form
17. **Fish Cage** – refers to an enclosure which is either stationary or floating made up of nets, or screens sewn or fastened together and installed in the water with opening at the side of surface or covered and held in wooden/bamboo post or various types of anchors and floats
18. **Fish Coral** – a stationary trap device to intercept and capture fish consisting or rows of bamboo stakes, plastic nest and other fencing materials with one or more enclosures usually with easy entrance and difficult exit.
19. **Fish Fingerlings**- a stage in the life cycle of fish measuring to about 6-13 cm. depending on the specie.
20. **Fish Fry** – a stage at which a fish has just been hatched, usually with sizes from 1 cm. To 2.5 cm.
21. **Fisherfolks** – people directly or personally and physically engaged in taking and/or culturing and processing fishery and /or aquatic resources.
22. **Fisherfolk Cooperative** – a duly registered association of fisherfolk with a common bond of interest, who have voluntarily joined together to achieve a lawful common social or economic end, making equitable contribution to the capital requirement and accepting a fair share of the risk and benefits of the undertakings in accordance with universally accepted cooperative principles.
23. **Fisherfolks Organization**- an organized group, association, federation, alliance of fisherfolks which has at least fifteen (15) members, as set of officers, a constitution and by-laws, an organizational structure and a program of action
24. **Fisheries** – refers to al activities relating to the Act or business of fishing, culturing, preserving, processing, marketing, developing, conserving and managing aquatic resources and the fishery areas, including the privilege to fish or take aquatic resources thereof.
25. **Fishing Boat/Gear License** – a permit to operate specific type of fishing boat/gear in areas within the Municipal Waters
26. **Fishery Management Areas** - a bay, lake gulf, rivers and other fishery area which maybe delineated for fishery management purposes.
27. **Fishery Operator** - One who owns and provide the means including labor, capital, fishing gears, and vessels, but does not personally engaged in fishery.
28. **Fishery Refuge and Sanctuaries** - a designated area where fishing and other forms of activities which may damage the ecosystem of the areas is prohibited and human access may be restricted.
29. **Active Fishing Gears** – a fishing gear device characterized by gear movement, and/or the pursuit of the target specie by towing, lifting and pushing the gears, surrounding, covering pumping and scaring the target species to impoundments; such but not limited to trawl, purse seines, bag nets, boding, drift gill net and tuna logline.
30. **Passive Fishing Gears** – is 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 (Pata-an).

31. **Fishing with Explosives** – the use of dynamite, other explosives or other chemical compounds that contains, combustible elements, which upon ignition by friction or detonation, will kill, stupefy, disable or render unconscious any fishery species and aquatic resources.
32. **Fishing with Noxious or Poisonous substance** – The use of any substance, plant extracts, or juice thereof, sodium cyanide compounds or other chemicals either in raw or processed form, harmful or harmless to human beings, which will kill, stupefy, disable or render unconscious any fishery species and aquatic resources and capable of damaging and altering natural marine habitat.
33. **Maximum Sustainable Yield (MSY)** – is the largest average quantity of fish that can be harvested from a fish stocks/resource with a period of time. (e.g. one year) on a sustainable basis under existing environmental condition.
34. **Migratory Species** – Fishery Species which in course of their life could travel from fresh water to marine water or vice versa or any marine species which travel over great distances in waters of the ocean as part of their behavioral adaptation for survival.
 - a. **Anatropous species** - marine fisheries which migrate to freshwater areas to spawn
 - b. **Catadromous** – freshwater fishes which migrate to marine areas to spawn
35. **Municipal Waters** – include not only streams, lake, inland bodies of water and tidal waters within the Municipality, but also marine waters included between two (2) lines drawn perpendicularly to the general coastlines from points where the boundary lies of the Municipality touch the sea at low tide and a third line parallel with the coastline including off-shore islands and fifteen (15) kilometers from such coastline.
36. **Secretary** – the Secretary of Department of Agriculture.
37. **Department** – Department of Agriculture.
38. **Municipality** – the Municipality of Jagna, Bohol.
39. **Local Government** – the Municipality of Jagna, Bohol.
40. **Total Allowable Catch (TAC)** – Maximum harvest allowed to be taken during a given period of time from any fishery area or from any fishery species or group fishery species or a combination of area and species and normally would not exceed the MSY.

ARTICLE III

MUNICIPAL FISHERIES

SECTION 8. DELINEATION OF MUNICIPAL WATERS

The delineation of the Municipal Waters of Jagna, Bohol is based on Municipal Ordinance No. 5-04-2003. (**Annex 1**)

SECTION 9. JURISDICTION OF THE MUNICIPALITY OF JAGNA OVER ITS MUNICIPAL WATERS.

The municipal government shall have jurisdiction over municipal waters as defined in this code. The municipal government in consultation with the Municipal Fisheries and Aquatic Resources Management Council (M-FARMC) shall be responsible for the management, conservation, development, protection, utilization and disposition of fisheries and aquatic resources within its municipal waters,

The municipality may, in consultation with the FARMC, enact appropriate ordinances for this purpose in accordance with the National Fisheries Policy. The ordinance enacted by the Municipality shall be reviewed by the Sangguniang Bayan of the Province pursuant to RA 7160.

The Local Government of Jagna shall enforce all fishery laws, rules and regulations as well as fishery ordinances enacted by the municipal council.

Pursuant to Sec. 16, Rule 16.1 to 16.9 of the IRR for RA 8550 or the Philippine Fisheries Code of 1998, mandates the Municipal Government to effect the following:

- Rule 16.1 – Basic Municipal Fisheries Ordinance** - shall enact a basic Municipal Fisheries Ordinance (MFO) delineating the boundaries of the Municipal Water as define in this code and providing rules and regulations on licensing and permits and other fisheries activities; provided however, that for municipalities whose waters are adjacent or contiguous to international borders, the delineation of boundaries of municipal waters shall be done after due consultation with the DFA and other concerned agencies;
- Rule 16.2 – License Fee** – The Municipality shall determine in consultation with the FARMC, the license fees of fisheries activities in the Municipal Waters; Provided that FARMC may also recommend the appropriate license fees that will be imposed;
- Rule 16.3 – Special Municipal Ordinances** – the Municipality shall enact in consultation with BFAR, Special Fisheries Ordinances, such as but not limited to declaring special demarcated fisheries areas, close season and environmentally critical areas and sanctuaries;
- Rule 16.4 - Consultation with the FARMC.** The Municipality shall consult the FARMC in the enactment of municipal fisheries ordinances;
- Rule 16.5 – Modified Ordinance.** The Municipality shall modify or amend existing municipal fisheries ordinances to conform with Republic Act No. 8550;
- Rule 16.6 – Overlapping of Boundaries** – The Municipality may seek assistance of the Department, through BFAR in resolving overlapping of boundaries of municipal waters;
- Rule 16.7 – Unified Fisheries Ordinance** – The Municipality may formulate with LGU’s having jurisdiction over municipalities bordering bays, lakes a unified municipal fisheries ordinance for an integrated resource management of the same;
- Rule 16.8 – Color Coding** – The Municipality shall design a color coding system for municipal waters such color code system to include identifiable marking to be carried by the municipal fishing boats;
- Rule 16.9** – The Municipality shall enforce laws, rules and regulations and fisheries ordinances in municipal waters;

SECTION 10 – GRANT OF FISHING PRIVILEGES IN MUNICIPAL WATERS:

The duly registered fisherfolks organizations/cooperatives shall have the preference in the grant of fishery rights by the Municipal Council, pursuant to Section 149 of the Local Government Code.

SECTION 11 – REGISTRY OF MUNICIPAL FISHERFOLKS:

The Municipality shall maintain a registry of municipal fisherfolks, who are fishing or may desire to fish in municipal waters for the purpose of determining priorities among them, of limiting entry into the municipal waters for the purpose of monitoring fishing activities and/pre related purposes. PROVIDED, that the FARMC shall submit to the Local Government the list of priorities for its consideration.

Such list shall be updated annually as may be necessary, and shall be posted in barangay halls or other strategic locations where it shall be opened for public inspection, for the purpose of validating the correctness and completeness of the list. The Municipal Government, in consultation with FARMC, shall formulate the necessary mechanism that shall be most beneficial to the resident municipal fisherfolks. The FARMC may recommend such mechanism.

The Municipal shall also maintain a registry of Municipal Fishing Vessels by type of gears and other boat particulars with the assistance of the FARMC.

- a) **Standard Registration** – The Municipality, in accordance with the FARMC shall develop a standard registration form for municipal vessels, gears and fisherfolks.
- b) **Criteria for Registration** – Residency in the Municipality of Jagna, Bohol for at least six (6) months.
- c) **Use of Registry** – The Registry of Municipal Fisherfolks shall serve as basis for the identification of priority fisherfolks who shall be allowed to fish within Municipal Waters; but registration shall not be construed as equivalent to a permit to fish.

SECTION 12. FISHERFOLKS ORGANIZATION AND/OR COOPERATIVES.

Fisherfolks Organization/Cooperatives whose members are listed in the registry of Municipal Fisherfolks, may be granted the use of Demarcated Fishery areas to engage in fish capture, Mariculture and /or fish farming and any other fishing activities within the Municipal Waters.

SECTION 13. PRIORITY OF RESIDENT MUNICIPAL FISHERFOLKS

Resident municipal fisherfolks of the Municipality of Jagna and their organization/cooperatives shall have priority to exploit municipal and demarcated fishery areas of Jagna.

SECTION 14. DEMARCATED FISHERY RIGHT.

The Municipality shall grant demarcated fishery right of fishery organization/cooperatives for Mariculture operation in specific areas identified by the Department or BFAR.

SECTION 15. LIMITED ENTRY INTO OVERFISHED AREAS.

Whenever it is determined by the Municipality through the Department of Agriculture or BFAR, that a municipal water is overfished based on available data or information or in danger of being over fished, and that there is a need to regenerate the fishery resources, in that water, the Municipality shall limit fishery activities in the said waters.

SECTION 16. SUPPORT TO MUNICIPAL FISHERFOLKS

The Department thru the Municipality shall provide support services to the Municipal fisherfolks through appropriate technology and research credit, production and marketing assistance and other services such as, but not limited to training for additional livelihood projects.

The Municipality and the FARMC shall endeavor to avail of the technical services of the Department or BFAR for the training of Municipal Fisherfolks of Jagna the transfer of modern fishery technology, fisheries management,, technical assistance on the preparation of a feasibility study and organizing and strengthening of fishery organization.

SECTION 17. RIGHTS AND PRIVILEGES OF FISHERFOLKS.

The fisherfolks shall be entitled to the privileges accorded to other workers under the labor code, Social Security System and other benefits, under other laws or social legislation for workers, provided that fish workers on board any fishing vessels engaged in fishing operation are regularly working with the fishing operators. Fish workers employed in a fishing operation shall be classified as field personnel as defined in Section 82 of the Philippine Labor Code, as amended and shall not be subject to the regulations on normal working hours and overtime.

ARTICLE IV

UTILIZATION, MANAGEMENT, DEVELOPMENT, CONSERVATION AND ALLOCATION SYSTEM OF FISHERIES AND AQUATIC RESOURCES.

SECTION 18. USE OF MUNICIPAL WATERS,

The use and exploitation of the fishery and aquatic resources in the Municipal Waters of Jagna, Bohol shall be reserved exclusively to Jagna-anon Fisherfolks: Provided, however, that research and survey activities may be allowed under strict regulations for purely research, scientific, technological and educational purposes that would also benefit Jagna-anon constituents.

SECTION 19. FEES AND OTHER FISHERY CHARGES.

License fees and other fishery charges of fishing activities within the Municipal Waters shall be determined by the local government in consultation with MFARMC. This shall be governed by SECTION 9 as herein recommended by Municipal Fisheries and Aquatic Resources Management Council (M-FARMC).

SECTION 20. ACCESS TO FISHERY RESOURCES.

The Local Government shall determine the number of licenses and permits for the conduct of fishery activities within the Municipal Waters, subject to the limits of the Maximum sustainable Yield (MSY) of the resources as determined by the FARMC and the BFAR. Preference shall be to resource users in the Local communities.

The Municipal government may allow entry of commercial fishing vessels for anchorage purposes within the territorial jurisdiction of the Municipality; Provided that in no case shall they be allowed to conduct fishing activities within the Municipal Waters of Jagna; Provided further, that the commercial fishing vessel operator have complied the necessary permit and license fees imposed by the Department and shall have paid the necessary anchorage fee imposed by the Municipal Government.

SECTION 21. CATCHING CEILING LIMITATION.

Catch ceiling may be imposed in Municipal Waters and Fishery management area whenever necessary and practicable; Provided however, that in Municipal Waters, catch ceiling may be established upon the concurrence and approval or recommendation by the Department thru BFAR and the Municipality in consultation with the FARMC for conservation or ecological purposes.

SECTION 22. ESTABLISHING OF CLOSED SEASON.

In Municipal Waters and fishery management areas reserved for the use of the municipal fisherfolks, closed seasons may be established by the Municipality upon recommendation by an special agencies of the Department, in consultation with the MFARMC that there is a direct need for the establishment of closed season for conservation or ecological purposes. The MFARMC ay also recommend the establishment of close season in municipal waters, fisheries management and other areas reserved for the use of the Municipal Fisherfolks.

SECTION 23. MANAGEMENT OF MARINE SANCTUARY.

1. Marine sanctuaries will be established with copious amount of information, education and communication with the local community and only if the local education and communication with the local community and only if the local community are really interested and show full support for the activity.
2. The objectives of the establishment of the sanctuary in the municipality are to protect and manage the coastal and fishery resources of Barangay to ensure their sustainable use, for the enjoyment and benefit of its people, and to establish the means to enforce, control and regulate the activities of visitors, tourists, divers, snorkelers, swimmers, boats and other resource users within the sanctuary and in accordance with the approved management plans and ordinances.
3. A multi-sectoral management body shall be created, empowered and funded as part of the sanctuary management plan ordinance in order to ensure proper and responsible planning, management and enforcement of the Marine Sanctuary. This group will be duly elected and composed of the Barangay Captain and Council, Barangay Fisherfolks Association, Barangay Tanods and other interested parties.
4. This management body will meet monthly and organize the following committees within its body. Information, Education, Communication Committee, Enforcement and Guarding Committee, Planning Committee and other committees that may be deemed necessary by the body.

5. Within one year of effectivity of this Implementing Rules and Regulations the community will prepare a five year Sanctuary Management Plan and ensure that regular maintenance budget for the sanctuary is yearly allocated by the Barangay Council of not less than five thousand pesos for the maintenance and upgrading of the marine sanctuary and for other activities, necessary for the sanctuary, which will be laid down in the management plan.
6. For purposes of guarding Barangay Sanctuary Caretakers will be assigned by the Barangay Council alongside the Barangay Tanods to be in charge of guarding during the day and night of the sanctuary. Other residents upon seeing an illegal act may willingly arrest these illegal persons and turn them over to the PNPO Station for immediate filing of case and turnover of evidence and arrested paraphernalia to the town court.
7. The LGU also will appropriate annually a reasonable amount for the management of each marine sanctuary within the town, which will be counterparted by the barangay for the maintenance of the sanctuaries.
8. The Municipal Government, in coordination with the Barangay Councils, Municipal FARMC and concerned peoples' organizations, shall manage the marine sanctuaries within the following geographic coordinates: (Data on the geographic coordinates of the barangay fish sanctuaries listed hereunder are still being corrected. Once corrected, they shall become integral parts of this Section).

1) BUNGA MAR MARINE SANCTUARY

Point 1	N	9.63652	Point 3	N	9.63764
	E	124.36036		E	124.36240
Point 2	N	9.63618	Point 4	N	9.63800
	E	124.36067		E	124.36062

2) TUBOD MAR MARINE SANCTUARY

Point 1	N	9.66954	Point 4	N	9.66589
	E	124.39961		E	124.40000
Point 2	N	9.66859	Point 5	N	9.66659
	E	124.40387		E	124.40044
Point 3	E	9.66669	Point 6	N	9.66820
	N	124.40417		E	124.40073

3) PANGDAN MARINE SANCTUARY

Point 1	N	9.65311	Point 4	N	9.65103
	E	124.32501		E	124.37788
Point 2	N	9.65176	Point 5	N	9.65268
	E	124.38516		E	124.37740
Point 3	N	9.65129	Point 6	N	9.65305
	E	124.38185		E	124.38083

4) NAUSOK MARINE SANCTUARY

Point 1	N	9.65326	Point 3	N	9.65193
	E	124.38773		E	124.39107
Point 2	N	9.65196	Point 4	N	9.65303
	E	124.38784		E	124.39093

5) LARAPAN MARINE SANCTUARY

Point 1	N	9.65359	Point 3	N	9.65084
	E	124.39860		E	124.39520
Point 2	N	9.65312	Point 4	N	9.65260
	E	124.40035		E	124.39456

6) IPIL MARINE SANCTUARY

Point 1	N	9.62951	Point 3	N	9.62611
	E	124.35279		E	124.34990
Point 2	N	9.62832	Point 4	N	9.62698
	E	124.35343		E	124.34898

7) NAATANG MARINE SANCTUARY

Point 1	N	9.67344	Point 3	N	9.67052
	E	124.39781		E	124.40087
Point 2	N	9.67238	Point 4	N	9.66979
	E	124.39963		E	124.39921

8) CAN-UBA MARINE SANCTUARY

Point 1	N	9.62815	Point 3	N	9.62557
	E	124.34332		E	124.34077
Point 2	N	9.62629	Point 4	N	9.62728
	E	124.34398		E	124.34020

9) CANTAGAY MARINE SANCTUARY

Point 1	N	9.63022	Point 3	N	9.62845
	E	124.35821		E	124.35512
Point 2	N	9.62875	Point 4	N	9.62932
	E	124.35902		E	124.3549

Provided, that fishing and other human activities are prohibited in the sanctuary: Provided further, that scientific and educational activities shall be allowed inside the sanctuary for monitoring and other related purposes, only if written permission is obtained from the municipal government and the research data both raw and processed are passed to the municipal government and barangay officials and management committee of sanctuary: *Provided, furthermore*, That, the municipal government, in consultation with the MFARMC and the concerned people's organizations, shall develop management plans with one year of declaration of the fish sanctuary.

A. GENERAL PROHIBITIONS ON CORE ZONE

- 1) All fishing, destructive and extractive activities are prohibited within the designated core zone of the marine sanctuary. Prohibited activities include but not limited to the following activities: The Core zone will be marked with Red/Blue Buoys and signboards.
- 2) Use of motorized and motorized boats or any other manageable device anchorage and passing.
- 3) Disposal of solid and/or liquid wastes within the designated red/blue buoys and signboards.
 - a) Snorkelers, /diving
 - a) Spear fishing
 - b) Fishing with any type of net and/or fishing gear
 - c) Gathering, collecting and/or destruction of any type of marine life

- d) Anchorage of boats
- e) Swimming and recreation activities
- f) All other legal and illegal fishing activities

SECTION 25. ESTABLISHMENT OF CLOSED SEASON.

In Municipal Waters and fishery management areas reserved for the use of the municipal fisherfolks, closed seasons may be established by the Municipality, upon recommendation by any special agencies of the Department, in consultation within the FARMC that there is a dire need for the establishment of closed season for conservation or ecological purposes. The MFARMC may also recommend the establishment of closed season in municipal waters, fisheries management and other areas reserved for the use of the Municipal Fisherfolks.

SECTION 26. INTRODUCTION OF FOREIGN AQUATIC SPECIES.

No foreign finfish, mollusk, crustaceans and aquatic plants shall be introduced in the Municipal Waters without a sound ecological, biological and environmental justification as recommended by special agency of the Department.

SECTION 27. PROTECTION OF RARE, TREATENED AND ENDANGERED SPECIES.

The Municipality shall declare closed seasons and take conservation and rehabilitation measures for rare, threatened and endangered species as may be determined by the Department, and shall ban the fishing and/or taking of rare, threatened and/or endangered species, including their eggs, offsprings as identified by existing laws in concurrence with the municipal government.

SECTION 28. ENVIRONMENTAL IMPACT STATEMENT (EIS)

All government agencies as well as private corporation, firms, and entities, or juridical persons, who intend to undertake activities or projects which will affect the quality of environment of the Municipal waters, shall be required to prepare a detailed Environmental Impact Statement prior to undertaking such development activity. The preparation of the EIS shall form an integral part of the entire planning process pursuant to the provision of the Presidential Decree No. 1586 as well as its implementing rules and regulations.

SECTION 29. ENVIRONMENTAL COMPLIANCE CERTIFICATE (ECC)

The ECC shall be submitted to the Department of Environment and Natural Resources (DENR) for review and evaluation. No person, natural or juridical, shall undertake any development project in the coastal areas within the Municipal waters without securing first an Environmental Compliance Certificate from the DENR.

SECTION 30. MONITORING, CONTROL AND SURVEILLANCE OF MUNICIPAL WATER.

A monitoring control and surveillance system shall be established by the Municipal Government in coordination with BFAR Provincial Office, FARMC, NGO, Private Sector, Coastal Barangay Communities, and other agencies concerned to ensure that the fisheries and aquatic resources of the municipal waters are judiciously and wisely utilized and managed on a sustainable basis and conserved for the benefit and enjoyment of JAGNA CONSTITUENTS and its future generation.

SECTION 31. AUXILIARY INVOICES/OR CASH TICKETS.

All fish and fishery products from within the Municipal waters and from outside origin shall pass thru the Jagna Municipal Fishport. An auxiliary invoice and/or cash tickets must be issued by the Fishport Supervisor or his duly authorized representative upon payment of certain fees in accordance with the local tax ordinance of the Municipality.

The fishport supervisor shall make available to the Philippine fisheries Development Authority all monthly summary of Auxiliary Invoices and/or Cash Tickets.

SECTION 32. COMMERCIAL FISHERIES

Commercial Fisheries shall be governed by the Provisions of R.A 8550, otherwise known as Philippine Fisheries Code of the Philippines of 1998; particularly under Article II of its implementing Rules and Regulations.

SECTION 33. LICENSE TO OPERATE FISH PENS, FISH CAGES, FISH TRAPS, AND OTHER STRUCTURES FOR FISH AND SEaweeds CULTURE.

Fish pens, fish cafes, fish traps, and other structures for culture of fish and other aquatic resources may be allowed to establish and operate only within established zones duly designated by the Municipal Government in consultation with the FARMC consistent with national fishery policies; provided that the corresponding permits and licenses fees thereof have been secured from the Municipality. Licenses, permits, leases and similar privilege for the establishment of the aforementioned in the Municipal Waters shall be granted only to municipal fisherfolks of Jagna and their organization.

Nothing in this section shall be construed as permitting lessee, license or permittee to undertake any construction, which will obstruct the free navigation of any fishing vessels or impede the flow of tide to and from the area, will obstruct any defined migration path of migratory fish species such as mouth of ricers, and estuaries within a distance determined by the local government in consultation with and upon the recommendation of the Municipal FARMC.

SECTION 34. COMMUNITY PARTICIPATION AND INTERGRATION OF NATIONAL GOVERNMENT AGENCIES.

The management of Municipal Waters shall be undertaken by the Municipal Government of Jagna in close collaboration with Coastal Barangay Officials, National Government Agencies, NGO's, PO's and the Private Sector in general in order to engage their active cooperation. The Municipal Mayor shall adopt adequate measures to directly engage the services of the Philippine Coast Guard in marine environmental protection of our municipal water, Maritime Industry Authority (MARINA) the Philippine Port Authority (PPA) the DENR and BFAR.

SECTION 35. COASTAL ZONING AND MANAGEMENT GUIDELINES.

The Municipality shall formulate a Municipal Coastal zoning and Management Plan. The plan shall be based on co-management approach where Barangay Government shall work with fisherfolks, and build upon existing laws, particularly in the institutionalization of the Fisheries and Aquatic Resources management council at Barangay and Municipal level pursuant to Presidential Executive Order 240, series of 1995.

- a). **Zoning** – the zoning component plan shall classify municipal waters in Five (5) zones, namely: 1. Strict Protection Zones; 2. Recreation and Eco-tourism Zones; 3. Rehabilitation Zones and 4. Sustainable production use zones; 5. Navigational Zone, in order to allocate, delineate and set aside appropriate areas for growth and development of coastal communities and to delineate areas as Fish Sanctuaries, no fishing zones, fishing gear restriction zones, and critical breeding and feeding areas for ecologically and economically important organisms and delineate areas for recreational or tourism zones.

SECTION 36. PUBLIC BEACHES.

The Municipal government shall conduct an inventory of beach areas and in coordination with the M-FARMC and DENR.

SECTION 37. GATHERING, EXTRACTION, AND/OR REMOVAL OF BEACH CORALS, SAND AND GRAVEL, BOULDERS AND ALLIED AGGREGATES.

Gathering, extraction, and/or removal of Beach Corals, sand and gravel, boulders and allied aggregates within the coastal municipal waters for whatever purpose is hereby prohibited except those expressly allowed by law.

SECTION 38. COASTAL RESOURCES MANAGEMENT FUND.

The Municipal Government shall allocate funds every year from its Internal Revenue Allotment (IRA) to support coastal management activities in accordance with the approved Coastal Resource Management Plans and Programs of the Municipality.

ARTICLE V

POST HARVEST FACILITIES, ACTIVITIES AND TRADE

SECTION 39. ESTABLISHMENT OF POST-HARVEST FACILITIES FOR FISHING COMMUNITIES.

The Municipal government shall coordinate with the private sectors and other concerned agencies and MFARMC for the establishment of post harvest facilities for fishing communities such as municipal fish port, ice plant and cold storage and other fish processing establishments to serve the needs of municipal fisherfolks; provided that those post harvest facilities must register with and be license by the Municipal government which shall prescribe the rate of fees in accordance to an approved tax ordinance.

SECTION 40. IMPORTATION AND EXPORTATION OF FISHERIES AND OTHER MARINE PRODUCTS.

Export of fishery products and other marine resources shall be regulated. In cases where there is abundant catch of nay specie of fish in any of the fishing community of the Municipality the fish products shall pass thru the established fish port wherein they pay the required fees before the product is brought to any other places within or outside the territorial jurisdiction of the Municipality.

Import of fisheries and other marine products must pass thru the Municipal Fishport to secure the required license or permit fees f\before the products are marketed to the general public.

This section shall be governed by the Municipal Ordinance enacted for the operation of the Municipal Fish Port.

SECTION 41. INSTRUMENT OF WEIGHT AND MEASURES AND QUALITY GRADES/STANDARD

All standards for weights, volume and other measurements for all fishery transactions shall be set by the Municipal government. An Ordinance to the effect shall be enacted by the Sangguniang Bayan to govern such measurements.

All fishery products for export, import and for domestic consumption shall meet the quality Grades/Standard as determined by the Department thru a qualified Fishery Technician to be employed by the Local Government.

The Municipality shall, by an appropriate ordinance, penalize fraudulent practices and unlawful possession or use of instruments of weight measures.

ARTICLE VI

**CREATION OF A POSITION OF
A MUNICIPAL FISHERY TECHNICIAN**

SECTION 42. MUNICIPAL FISHERY TECHNICIAN

The Municipal Government of Jagna, thru its Sangguniang Bayan, shall create the position of a Municipal fishery Technician who will be under the direct supervision of the Municipal Agricultural Officer (MAO) of the Local Department of Agriculture.

SECTION 43. FUNCTIONS OF THE MUNICIPAL FISHERY TECHNICIAN

The MFT shall have the following functions:

- a. To formulate and recommend to the Municipal Development Council a comprehensive plan for the Development of the Fishery Sector;
- b. To establish and maintain a comprehensive fishery information system;
- c. To provide technical assistance and other support services to the Municipal Fisherfolks in all aspects of modern fisheries production, processing and marketing;
- d. To provide advisory services to the Local Chief Executive and Sangguniang Bayan of fisheries development;
- e. To advice and coordinate with the Local Government on the maintenance of proper sanitation and hygienic in fish market and fish port areas;
- f. To coordinate efforts relating to fishery production undertaken by a fishery producer, the FARMC, fishery organizations and cooperatives;
- g. To maintain the list of all registry of the names of all fisherfolks including fish workers in the Municipal Waters;
- h. To implement and inspection system for import and export of fishery and other aquatic products;
- i. To enforce all laws and ordinances governing the conservation, protection, development and management of fishery and aquatic resources of the Municipality;
- j. To perform such other functions which shall promote the development, management, protection and utilization of fisheries and aquatic resources;
- k. To see to it that all fisherfolks fishing within the Municipal Waters has complied with license and permit fees imposed by the municipality.

ARTICLE VII

THE FISHERIES AND AQUATIC RESOURCES MANAGEMENT COUNCIL (FARMC)

SECTION 44. CREATION OF THE MUNICIPAL FISHERIES AND AQUATIC RESORUCES MANAGEMENT COUNCIL (M-FARMC)

FARMC shall be created in the Municipality. However, the Local Government may create the Barangay Fisheries and Aquatic Recourse Management Council (BFARMC) in coastal barangays within the Municipal Waters whenever necessary. Such BFARMC's shall serve in an advisory capacity to the Local Government.

SECTION 45. FUNCTIONS OF THE M-FARMC

The M-FARMC shall exercise the following functions:

- a) Assist the Municipality in the preparation of a Municipal Development Plan and submit such plan to the Municipal Development Council;
- b) Recommend the enactment of municipal fishery ordinance to the Sangguniang Bayan through its Committee on Fishery;
- c) Assist the Local Government in the enforcement of Fishery laws, rules and regulations in the Municipal Waters;
- d) Advise the Sangguniang Bayan on fishery matters through its committee on fisheries;
- e) Perform such other functions, which may be assigned by the Sangguniang Bayan.

SECTION 46. COMPOSITON OF M-FARMC

The regular members of the M-FARMC shall be composed of the following:

- a) Municipal Planning and Development Officer;
- b) Chairperson, Committee on Agriculture of the SB;
- c) Representative from the Mun. Development Council;
- d) Representative from the accredited Non-Government Organization;
- e) Representative from the private sector;
- f) Representative from the Department of Agriculture;
- g) At least eleven (11) Fisherfolks representative – seven commercial fishers which include representative from the youth and women sector

ARTICLE VIII

PROHIBITIONS AND PENALTIES

SECTION 47. UNAUTHORIZED FISHING OR ENGAGING IN OTHER UNAUTHORIZED FISHERIES ACTIVITIES.

No person shall exploit, occupy produce breed, culture, capture or gather fishery or fingerlings of any fishery species products or engage in fishery activities in the Municipal Waters of Jagna, Bohol without a license or permit from the Municipal Government.

Discovery of any person in an area where he has no permit or registration papers for a fishing vessel shall constitute a prima facie evidence that the person and/or vessel is engaged in an authorized fishing; provided that fishing for a daily food sustenance or for leisure, which not for commercial, occupation or livelihood purposes may be allowed.

It shall be unlawful for any fishing operators in the municipal waters, which may hereinafter be declared as over-exploited or over-fished.

Any commercial fishing boat captain or the three (3) highest officers of the boat who commit any of the above prohibited acts within the municipal waters shall be punished by a fine equivalent to the value of the catch or Ten Thousand Pesos (PhP10,000.00), whichever is higher, and imprisonment of six (6) months, confiscation of catch and fishing gears, and automatic revocation of license.

It shall be unlawful for any person not listed in the registry of the Municipal Fisherfolks to engage in any commercial fishing activity within the municipal waters. Any municipal fisherfolks who commit such violation shall be punished by confiscation of catch and a fine of Five thousand pesos (PhP 5,000.00).

SECTION 48. FISHING THROUGH EXPLOSIVE NOXIOUS OR POISONOUS SUBSTANCES, AND/OR ELECTRICITY.

1. It shall be unlawful for any person to catch, take or gather or cause to be caught, taken or gather fish or any fishery species in the Municipal Waters with the use of electricity, explosives, noxious or poisonous substances such sodium cyanide in the Municipal Fishery Areas which will kill, stupefy, disable or render unconscious fish or fishery species; it shall likewise be unlawful for any person, corporation or entity 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, other explosives and chemical compounds which contain combustible elements, or noxious or poisonous substances, or equipment or device for electro fishing in any fishing vessel or in the possession of any fisherfolk operator, fishing boat official or fish worker shall constitute prima facie evidence, that the same was used for fishing in violation of this code.
2. Mere possession of explosive, noxious or poisonous substances or electro fishing devices for illegal fishing shall be punished by imprisonment ranging from six (6) months to two (2) years.
3. Actual use of explosives, noxious or poisonous substances or electro fishing devices for illegal fishing shall be punishable by imprisonment ranging from five (5) years to ten (10) years without prejudice to the filing of separate criminal cases when the use of the same shall result to physical injury or loss of human life;
4. Dealing in, selling or in any manner disposing of for profit, illegal caught/gathered fisheries species, shall be punished by imprisonment ranging from six (6) months to two (2) years;
5. In all cases enumerated above, the explosives, noxious substances and/or electro fishing devices, as well as the fishing vessels, fishing equipment catch, shall be confiscated.

SECTION 49. USE OF MESH NET

It shall be unlawful to engage in fishing using nets with mesh smaller than that prescribed by the Department and BFAR; Provided that the prohibition on the use fine mesh net shall not apply to the gathering of fry, alemang, and/or "Bolinao". "timon-timon" and such species which by nature are small but already mature.

Violation of this section shall subject the offender to a fine from Two Thousand Pesos (PhP2,000.00) or imprisonment from six (6) months to two (2) years or such fine and imprisonment at the discretion of the court. Provided, that if the offense is committed by a Commercial Fishing Vessel, the boat captain and master fisherman shall be subject to the penalties provided herein: Provided further, that the owner/operator of the commercial fishing vessel who violates this provision shall be subjected for the same penalties provided herein.

SECTION 50. USE OF ACTIVE GEARS IN THE MUNICIPAL WATERS, RIVERS, AND LAKES.

It shall be unlawful to engage in fishing in Municipal Waters, rivers, and lakes as well as other fishery management areas using active fishing gears as identified in this code:

Violators of the above prohibitions shall suffer the following penalties:

1. The boat captain and the master fisherman of the vessel who participated in the violation shall suffer the penalty of imprisonment from two (2) years to six (6) years;
2. The owner/operator of the vessel shall be fined from Two Thousand Pesos (P2,000.00) to Twenty Thousand Pesos (P20,000.00) upon the discretion of the court;
If the owner/operator is a corporation or a partnership the penalty shall be imposed on the Chief Executive and Managing partner, respectively.
3. The Fish Catch shall be confiscated.

SECTION 51. BAN ON CORAL EXPLOITATION AND EXPORTATION.

It shall be unlawful for any person or corporation to gather, possess, sell or export ordinary precious and semi-precious corals, whether raw or unprocessed from within the Municipal Waters or from any of its Coastal Areas.

Violation of this section shall be punished by imprisonment from six (6) months to two (2) years, and a fine of Two Thousand Pesos (P2,000.00) to Twenty Thousand Pesos (P20,000.00) or both such fine and imprisonment at the discretion of the court and forfeitures of the corals and vessels.

The confiscated corals shall either be returned to the sea or donated to schools and museums for educational purposes or disposed through other means upon the discretion of the Municipal Government.

SECTION 52. BAN OF MURO-AMI, OTHER METHODS AND GEARS DESTRUCTIVE TO CORAL REEFS AND OTHER MARINE HABITAT.

It shall be unlawful to any person, natural or juridical, to fish with gear method that will destroy coral reefs, Seagrass beds; and other marine life habitat as maybe determined by the Department. "Muro-Ami" or any of its variation, and such similar gear and methods that require diving, other physical and mechanical acts to pound the coral reefs and other marine habitat, to entrap, gather or catch fish and other fishery species are also prohibited.

The operator, boat captain, master fisherman, and recruiter or organizer of fish workers who violated this provision shall suffer a penalty or imprisonment at the discretion of the Court.

The Catch and gears shall be confiscated.

SECTION 53. BAN ON GATHERING, SELL OR EXPORT WHITE SAND, SILICA, PEBBLES AND ANY OTHER SUBSTANCES THAT MAKE UP ANY MARINE HABITAT FOR COMMERCIAL PURPOSES.

It shall be unlawful for a person, either natural or juridical together, sell, or export white sand, silica, pebbles and the like, and other substances that make-up any marine habitat for commercial purposes within the municipal waters or within its coastal areas.

The person or corporation who violates this provision shall suffer a penalty of not less than One Hundred Thousand Pesos (PhP100,000.00) to Five Hundred Thousand pesos (PhP500,000.00) or both such fine and imprisonment at the discretion of the court. The materials gathered or taken from its marine habitat shall be confiscated.

SECTION 54. ILLEGAL USE OF SUPERLIGHTS

It shall be unlawful to engage in fishing with the use of superlights in the Municipal Waters of Jagna, Bohol and its neighboring national Waters measuring one (1) kilometer from the maximum fifteen (15) kilometers radius as delineated.

Violation of this provision shall be punished by imprisonment from six (6) months to two (2) years or a fine of Five Thousand Pesos (PhP5,000.00) per superlights or both such fine and imprisonment at the discretion of the court. The superlights fishing gears and vessel shall be confiscated.

SECTION 55. FISHING OVERFISHED AREA AND DURING CLOSE SEASON.

It shall be unlawful to fish in overfished area and closed seasons in a fishing areas as determined by the BFAR or the Department.

Violation of this provision of this section shall be punished by imprisonment of six (6) months and one (1) day to six (6) years and/or fine of Six Thousand Pesos (PhP6,000.00) and by forfeiture of catch and cancellation of fishing permit or license.

SECTION 56. FISHING THE FISHERY RESERVE, REFUGE AND FISH SANCTUARIES.

It shall be unlawful to any person to fish or to do any fishing activities or any act that may disturb the areas declared by the Municipal Government as Fishery Reserves, refuge, and fish sanctuaries.

Violation of the provision of this Section shall be punished by imprisonment of Two (2) years to Six (6) years and/or fine of Two Thousand Pesos (PhP2,000.00) to Twenty Thousand Pesos (PhP20,000.00) and by forfeiture of the catch and the cancellation of fishing permit or license.

SECTION 57. FISHING OR TAKING OF RARE, THREATENED OR ENDANGERED SPECIES AS DETERMINED BY THE BFAR OR THE DEPARTMENT OR BY THE LOCAL GOVERNMENT AS RECOMMENDED BY M-FARMC.

Violation of the provision of this section shall be punished by imprisonment of twelve (12) years to twenty (20) years and/or fine of One Hundred Twenty Thousand Pesos (PhP120,000.00) and forfeiture of catch and the cancellation of fishing permit.

SECTION 58. CAPTURE OF “SABALO” OR MATURE MILKFISH OR “AWA” and such other breeders or spawners of other fishery species as may be determined by the Department. Provided, that catching of “Sabalo” or “Awa” and other breeders/spawners for local breeding purposes or scientific or research purposes may be allowed subject to guidelines promulgated by BFAR or the Department. Violation of this Section shall be punished by imprisonment of six (6) months and one (1) day to eight (8) years and/or for a fine of Eighty Thousand Pesos (PhP80,000.00) and forfeiture of catch and fishing equipment used and revocation of license.

SECTION 59. EXPORTATION OF BREEDERS, SPAWNERS, EGGS, OR FRY. Exportation of breeders, spawners, eggs or fry is prohibited in this code and violation of this section shall be punished by imprisonment of eight (8) years, confiscation of the same or a fine equivalent to double the value the value of the same and revocation of the fishing and /or license or permit.

SECTION 60. IMPORTATION OF HARMFUL AND DESTRUCTIVE FISH SPECIES.

It is unlawful for a person, natural or juridical to import into the Municipal Waters any harmful or destructive species of fish like the “Piranja” or similar specie.

Violation of this section shall be punished by imprisonment of eight (8) years, or a fine of Eighty Thousand Pesos (PhP80,000.00) and destruction of the harmful fishery specie.

SECTION 61. VIOLATION OF CATCH CEILING.

It shall be unlawful for any person to fish in violation of catch ceiling as determined by BFAR or the Department. Violation of this provision of this section shall be punished by imprisonment of six (6) months and one (1) day to six (6) years and/or a fine of Fifty Thousand Pesos (PhP50,000.00) and forfeiture of catch, fishing gears and revocation of license.

SECTION 62. AQUATIC POLLUTION.

Aquatic pollution as determined in this code is unlawful. Aquatic pollution includes but not limited to coastal waters, rivers, lakes and springs within the territorial jurisdiction of the Municipality.

Violation of this Section shall be punished by imprisonment of six (6) years and One (1) day to Twelve (12) years and/or a fine of Eighty Thousand Pesos (PhP80,000.00) plus an additional fine of Eight Thousand Pesos (PhP8,000.00) per day until such violation ceases and the fine is paid.

SECTION 63. OBSTRUCTION OF DEFINED MIGRATORY PATHS.

OBSTRUCTION of any defined migratory paths of Anadromous and Catadromous and other migratory species, in areas including but not limited to river mouths and estuaries within a distance as determined by the M-FARMC of the Municipality is prohibited in this code.

Violation of this provision of this section shall be punished by imprisonment of seven (7) years to twelve (12) years or a fine of Fifty Thousand Pesos (PhP50,000.00) to One Hundred Thousand Pesos (PhP100,000.00) or both fine and imprisonment at the discretion of the Court and cancellation of fishing permit and license, if any and dismantling of the obstruction which will be at his own expense.

SECTION 64. OBSTRUCTION OF FISHERY LAW ENFORCEMENT OFFICER,

The boat owner, master or operator or any person acting on his behalf of any fishing vessel who evades obstruct or hinder any fishery office of the Department or BFAR or its deputy fishery officer and deputized fish warden and Bantay Dagat of the Municipality and the FARMC to perform their duties, to enforce Fishing Laws, shall be fined of Ten Thousand Pesos (PhP10,000.00). In addition, the registration, permit and/or license of the vessel and as fisherman shall be cancelled.

SECTION 65. OTHER VIOLATIONS.

OTHER VIOLATIONS on fishery laws or existing ordinances not herein included in this code shall be governed by the provisions of Republic Act No. 8550, otherwise known as the Philippine Fisheries Code of 1998; and the Bohol Environment Code of 1998.

ARTICLE IX

MISCELLANEOUS PROVISIONS

SECTION 66. The Municipality shall endeavor to request the Department to allocate funds from the Municipal Fisheries Grant Fund to finance fishery projects of the Local Government of Jagna primarily for the upliftment of the municipal fisherfolks; and funds from Fishery Loan and Guarantee Fund to be available for lending to qualified Borrowers to finance the development of the fishery industry as determined by the Local Government.

SECTION 67. INFORMATION CAMPAIGN.

The Municipality, through the FARMC and its Fishery Technician shall launch and sustain information campaign on sustainable development, fisheries conservation, management and development.

SECTION 68. EXTENSION SERVICES.

The Municipality shall provide the necessary Fisheries Extension Services to the Municipal Fisherfolks in coastal barangays of the Municipality, including but not limited to inland barangays with rivers and springs.

SECTION 69. ENFORCEMENT OF FISHERY LAWS IN MUNICIPAL WATERS.

The Municipality shall seek the assistance of the BFAR in the training of Bantay Dagat Task Force in fishery laws, apprehension techniques and gathering of evidence.

SECTION 70. INCENTIVES TO FISHERY LAW ENFORCER AND OTHER AUTHORIZED DEPUTY FISH WARDEN.

In order to secure the meaningful participation of the fishery law enforcers in the proper implementation of this ordinance or code, the Municipality shall give incentives to the law enforcer in the amount equivalent to Fifty Percent (50%) of the penalty collected from the treasury of the local government unit; provided that in the case of Deputized Barangay Officials who can catch the violators, the penalty shall be equally divided between the Barangay Government and the Deputized Barangay Officials: Provided further, the penalty proceeds shall be divided equally among the NGO and the members.

SECTION 71. INFRASTRUCTURE SUPPORT.

The Municipality in cooperation with the FARMC, Government Agency concerned, NGO, PO and the Private Sector, shall:

1. Prepare and implement municipal wide plan for the development plan of Municipal Fishery Areas.

2. Identify community infrastructure facilities such as Ice Plant and Cold Storage and other post harvest facilities and prepare plans for their construction.
3. To arrange and make representation with appropriate funding institution to finance such facilities for the use of the fishery cooperatives or associations.
4. To promote and strengthen marketing facilities and promote entrepreneurship and cooperative marketing system.

SECTION 72. PERSONS AND DEPUTIES AUTHORIZED TO ENFORCE THIS CODE AND OTHER FISHERY LAWS, RULES AND REGULATIONS.

The Municipality in cooperation with the Municipal FARMC shall deputize and activate the Bantay Dagat Organization whose functions among others shall enforce this Code in close coordination with the coastal barangays.

ARTICLE X

FINAL PROVISIONS

SECTION 73. APPROPRIATION.

The Municipality shall appropriate yearly the necessary funds to effectively carry out the provisions of this code. For the first year of implementation, the Municipality shall source funds from the unappropriated funds of the Municipality; Provided that the initial amount of Forty Thousand Pesos (P40,000.00) shall be appropriated for the Fishery Sector Development in close coordination with the Municipal FARMC.

SECTION 74. REPEALING CLAUSE.

All Municipal Ordinances, rules and regulations or parts thereof, which are inconsistent with this Code, are hereby repealed or modified accordingly.

SECTION 75. SEPARABILITY CLAUSE.

If, for any reason or reasons, any part of the provision or provisions of this Code shall be held unconstitutional or invalid, other parts hereof which are not affected thereby, shall continue to be in full force and effect.

SECTION 76. EFFECTIVITY CLAUSE.

This Code shall take effect immediately upon approval.

ENACTED: June 6, 2005.

AFFIRMATIVE:

SGD. BONIFACIO GO VIRTUDES, SR.
Municipal Councilor

SGD. JESUS B. ACEDILLO
Municipal Councilor

SGD. VICTORINO M. NAYGA, SR.
Municipal Councilor

SGD. PACHECO LL. RANCES
Municipal Councilor

SGD. GODOFREDO P. OKIT, SR.
Municipal Councilor

SGD. ALBERTO Y. CAFÉ
Municipal Councilor

SGD. SENEN C. LLOREN
Municipal Councilor

SGD. ALFONSO R. GALES, SR.
Municipal Councilor

SGD. ANDREW G. TADENA
Municipal Councilor (ABC Pres.)

SGD. DEXTER LITO N. RANIS
Municipal Councilor (SKMF Pres.)

NEGATIVE: N O N E

ABSENT: N O N E

CERTIFIED CORRECT:

SGD. RENATO R. ACERA
MGDH I/SB Secretary

ATTESTED AND CERTIFIED
TO BE DULY ADOPTED:

SGD. ENGR. TEOFISTO C. PAGAR, SR.
Presiding

APPROVED: 6 -15-2005
Date Signed

SGD. HON. EXUPERIO C. LLOREN
Municipal Mayor