

**MUNICIPAL ORDINANCE NO. 12-08-2008**

**JAGNA MODIFIED FISHERY CODE 2008**

**ARTICLE 1**

**GENERAL PROVISIONS**

**SECTION 1. TITLE.** This Ordinance shall be known as **FISHERIES AND COASTAL RESOURCE MANAGEMENT CODE.**

**SECTION 2. 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-MARITIME under DILG.

**SECTION 3. OBJECTIVE AND PURPOSE.** This Code is enacted for the following objective and purpose:

***Objectives:***

1. To translate and promote 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 regulate access to the fishery and aquatic resources of the municipal waters for the enjoyment of its constituents;

3. To ensure the rational and sustainable development, management and conservation of fishery and aquatic resources of Jagna municipal waters;

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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 4. APPLICATION OF ITS PROVISIONS.**

The provisions of this Code shall be enforced in:

- a) All Municipal waters of Jagna, Bohol including other bodies of water, such as 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 fish pens and cages;
- c) All lands devoted to aquaculture, or business and activities relating to fishery whether private or public lands.

**SECTION 5. 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;

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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 ensure 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 6. 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 of 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.

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8. **Coral** – the hard calcareous substance made up of the skeleton of marine coelenterate animals living in colonies where their skeletons form 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.

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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. **Fisherries** – refers to all 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.

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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 II

### MUNICIPAL FISHERIES

#### SECTION 7. 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 8. 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 Panlalawigan 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.

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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 –License Fee** – The Municipality shall determine in consultation with the MFARMC, the license fees of fisheries activities in the Municipal Waters; Provided that MFARMC may also recommend the appropriate license fees that will be imposed;

**Rule 16.3 - Consultation with the FARMC.** The Municipality shall consult the FARMC in the enactment of municipal fisheries ordinances;

**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 16.8 – 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 9 – 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 10 – REGISTRY OF MUNICIPAL FISHERFOLKS:**

1. 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 regulating entry into the municipal waters for the purpose of monitoring fishing activities and/pre related purposes. PROVIDED, that the MFARMC 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 MFARMC, shall formulate the

necessary mechanism that shall be most beneficial to the resident municipal fisherfolks. The MFARMC may recommend such mechanism.

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

- a) **Standard Registration** – The Municipality, in accordance with the MFARMC 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.

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- 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 11. 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 fishing, Mari culture and/or fish farming and any other fishing activities within the Municipal Waters.

**SECTION 12. PRIORITY OF RESIDENT MUNICIPAL FISHERFOLKS**

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

**SECTION 13. DEMARCATED FISHERY RIGHT.**

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

**SECTION 14. LIMITED ENTRY INTO OVERFISHED AREAS.**

Whenever it is determined by the Municipality through the Department of Agriculture or BFAR, that a municipal water is over fished 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 15. SUPPORT TO MUNICIPAL FISHERFOLKS**



The Department of Agriculture 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 MFARMC shall endeavor to avail of the technical services of the Department of Agriculture 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.

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#### **SECTION 16. 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 III**

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

#### **SECTION 17. 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. However, entry of non-resident fisherfolks, research and survey activities, may be allowed under strict regulations.

#### **SECTION 18. 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 as prescribed in the Local Revenue Code.

#### **SECTION 19. 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 of Agriculture or BFAR and shall have paid the necessary anchorage fee imposed by the Municipal Government.

## **SECTION 20. REFER TO MUNICIPAL ORDINANCE NO. 4-09-2005**

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## **SECTION 21. MANAGEMENT OF MARINE SANCTUARY.**

1. 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  
E 124.38773  
Point 2 N 9.65196  
E 124.38784

Point 3 N 9.65193  
E 124.39107  
Point 4 N 9.65303  
E 124.39093

**5) LARAPAN MARINE SANCTUARY**

Point 1 N 9.65359  
E 124.39860  
Point 2 N 9.65312  
E 124.40035

Point 3 N 9.65084  
E 124.39520  
Point 4 N 9.65260  
E 124.39456

**6) IPIL MARINE SANCTUARY**

Point 1 N 9.62951  
E 124.35279  
Point 2 N 9.62832  
E 124.35343

Point 3 N 9.62611  
E 124.34990  
Point 4 N 9.62698  
E 124.34898

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**7) NAATANG MARINE SANCTUARY**

Point 1 N 9.67344  
E 124.39781  
Point 2 N 9.67238  
E 124.39963

Point 3 N 9.67052  
E 124.40087  
Point 4 N 9.66979  
E 124.39921

**8) CAN-UBA MARINE SANCTUARY**

Point 1 N 9.62815  
E 124.34332  
Point 2 N 9.62629  
E 124.34398

Point 3 N 9.62557  
E 124.34077  
Point 4 N 9.62728  
E 124.34020

**9) CANTAGAY MARINE SANCTUARY**

Point 1 N 9.63022  
E 124.35821  
Point 2 N 9.62875  
E 124.35902

Point 3 N 9.62845  
E 124.35512  
Point 4 N 9.62932  
E 124.3549

Fishing and other human activities are prohibited in the sanctuary. However, 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

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## **SECTION 22. 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 23. PROTECTION OF RARE, THREATENED 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 24. 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 25. 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 26. 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 27. 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.

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

## **SECTION 28. 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 29. LICENSE TO OPERATE FISH PENS, FISH CAGES, FISH TRAPS, AND OTHER STRUCTURES FOR FISH AND SEaweEDS CULTURE.**

Fish pens, fish cages, fish traps, and other structures for culture of fish and other aquatic resources may be established, installed and operated 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 rickers, and estuaries within a distance determined by the local government in consultation with and upon the recommendation of the Municipal FARMC.

### **SECTION 30. 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.

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### **SECTION 31. PUBLIC BEACHES.**

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

### **SECTION 32. 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 33. 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 34. 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 35. 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 any specie of fish in any of the fishing community of the Municipality the fish products shall pass through 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 through the Municipal Fishport to secure the required license or permit fees 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.

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### **SECTION 36. 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 of Agriculture or BFAR 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 37. MUNICIPAL FISHERY TECHNICIAN**

The Municipal Government of Jagna, through 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 38. 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;

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



MFARMC 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 40. 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 Agriculture;
- 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 Agriculture;
- e) Perform such other functions, which may be assigned by the Sangguniang Bayan.

#### **SECTION 41. 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

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Chairperson of the MFARMC shall be elected among the members of the council.

### **ARTICLE VIII**

#### **PROHIBITIONS AND PENALTIES**

#### **SECTION 42. UNAUTHORIZED FISHING OR ENGAGING IN OTHER UNAUTHORIZED FISHERIES ACTIVITIES.**

- a) Exploiting, occupying, producing, breeding, culture, capture, or gathering fish or fingerlings of any fishery species or engage in fishery activities in the Municipal Waters of Jagna, Bohol without a license or permit from the Municipal Government.

Apprehension of any person with no permit or registration papers for a fishing vessel shall constitute a prima facie evidence that the person and/or vessel is

- engaged in unauthorized fishing; however, fishing for daily food sustenance or for sports and not for commercial may be allowed.
- b) Fishing in municipal waters, which may hereinafter be declared as over-exploited or over-fished.
  - c) Fishing with the use of compressor (refer MO. No. 4-03-2004)
  - d) Catching, taking or gathering 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.
  - e) Using 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.

**SECTION 43. POSSESSION OF EXPLOSIVE.** Mere possession of explosive, noxious or poisonous substances or electro fishing devices for illegal fishing found in a fishing vessel including possession of compressor mounted in a fishing vessel shall be fined Two Thousand Five Hundred Pesos (PhP2,500.00) or imprisonment for a period of six (6) months.

1. Actual use of explosives, noxious or poisonous substances or electro fishing devices for illegal fishing shall be punishable by imprisonment six (6) months 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;

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.

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2. Dealing in, selling or in any manner disposing of for profit, illegal caught/gathered fisheries species, shall be punished by imprisonment of six (6) months.
3. Fishing with the use of nets with mesh smaller than that prescribed by the Department of Agriculture 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.
4. Fishing with the use of active fishing gears.
5. Fishing with the use of destructive fishing gears such as but not limited to "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.

6. Fishing with the use of superlights.
7. Fishing in overfished area, fishery reserved, refuge and sanctuaries activities or any act that may disturb the areas declared by the Municipal Government as Fishery Reserves, refuge, and fish sanctuaries.

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 for six (6) months;
2. The owner/operator of the vessel shall be fined from PhP2,500.00 and all fishing crew members – PhP2,500.00 each;  
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 44. COMMERCIAL FISHING.**

Boat captain and all other crew of any commercial fishing 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 Two Thousand Five Hundred Pesos (PhP2,500.00) per person whichever is higher, and imprisonment of six (6) months, confiscation of catch and fishing gears, and automatic revocation of license.

#### **SECTION 45. 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.

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.

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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.

#### **SECTION 46. 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.

**SECTION 47. 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.**

It shall be unlawful for a person to fish, take rare, threatened or endangered species as determined by the BFAR or the department of the Local Government as recommended by the MFARMC.

**SECTION 48. CAPTURE OF “SABALO” OR MATURE MILKFISH OR “AWA”.**

It shall be unlawful for any person to capture such “Sabalo” or “Awa” and other breeders or spawners of other fishery species as may be determined by the Department. However, 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.

**SECTION 49. EXPORTATION OF BREEDERS, SPAWNERS, EGGS, OR FRY.**

It shall be unlawful for any person to engage in the exportation of breeders, spawners, eggs or fry.

**SECTION 50. 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.

**SECTION 51. OBSTRUCTION OF DEFINED MIGRATORY PATHS.**

It shall be unlawful for any person to cause the 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.

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**SECTION 52. OBSTRUCTION IN THE ENFORCEMENT OF FISHERY LAWS.**

Any person who evades, obstructs or hinders 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 Two Thousand Five Hundred Pesos (PhP2,500.00). In addition, the registration, permit and/or license of the vessel and as fisherman shall be cancelled.

**SECTION 53. 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 54. FUNDING.** The Municipality shall endeavor to request the Department of Agriculture 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 55. 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 56. 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 57. 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.

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**SECTION 58. 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 in the following sharing scheme:

- Fifty Percent (50%) to the Municipal Government;
- Twenty-five Percent (25%) to the Barangay Government or organization; and

- Twenty-five Percent (25%) to the apprehending officer.

#### **SECTION 59. 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 60. 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 61. APPROPRIATION.**

The Municipality shall appropriate annually 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 for the Fishery Sector Development in close coordination with the Municipal FARMC.

**SECTION 62. PENALTY CLAUSE.** Violation of the provisions of this ordinance will be penalized by a fine of PhP2,500.00 except those expressly indicated in this same ordinance or six months imprisonment.

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#### **SECTION 63. REPEALING CLAUSE.**

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

#### **SECTION 64. 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 65. EFFECTIVITY CLAUSE.**

This Code shall take effect immediately upon approval.

**ENACTED: AUGUST 11, 2008.**

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AFFIRMATIVE:

**SGD. BONIFACIO GO VIRTUDES, SR.**  
Municipal Councilor

**SGD. GODOFREDO P. OKIT, SR.**  
Municipal Councilor

**SGD. JESUS B. ACEDILLO**  
Municipal Councilor

**SGD. SENEN C. LLOREN**  
Municipal Councilor

**SGD. CESARIO M. CAGULADA**  
Municipal Councilor

**SGD. PACHECO LL. RANCES**  
Municipal Councilor

**SGD. ALBERTO A. CABRESTANTE, JR.**  
Municipal Councilor

**SGD. ALBERTO Y. CAFÉ**  
Municipal Councilor

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

**SGD. LALAIN H. TAN**  
Municipal Councilor (SKMF Pres.)

NEGATIVE: N o n e

ABSTAIN: N o n e

ABSENT: N o n e

CERTIFIED CORRECT:

**SGD. RENATO R. ACERA**  
MGDH 1/ SB Secretary

ATTESTED AND CERTIFIED  
TO BE DULY ADOPTED:

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

APPROVED: **09-01-2008**  
Date Signed

**SGD. HON. EXUPERIO C. LLOREN**  
Municipal Mayor