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Item No: 08
Date: 21 MAR 2023

Republic of Philippines
PROVINCE OF LEYTE
Palo, Leyte

SP Records
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PROVINCIAL LEGAL OFFICE

SANGGUNIANG PANLALAWIGAN
MAR 08 2023
PROVINCE OF LEYTE

2nd Indorsement
March 7, 2023

Province of Leyte
Legal Office
J. R. Acol
3-8-23

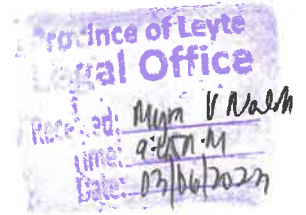
Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 01, S. 2023 of the SB of San Miguel, Leyte, recommending for the declaration of its validity pursuant to its power under Section 56 (c) of R.A. 7160, the same being, to the opinion of the Provincial Legal Office (PLO), an exercise of the power "necessary, appropriate, or incidental for its efficient and effective governance", authorized under Section 16 of the Code. Provided, That, the same does not violate any provision of R. A. 9295, dated May 3, 2004, otherwise known as "Domestic Shipping Development Act of 2004", Provided, Also, that bancas owned by "Marginal Fisherfolks" be exempted from fees.

ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer

Republic of the Philippines
PROVINCE OF LEYTE
Tacloban City

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
06 March 2023



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **MUNICIPAL ORDINANCE NO. 2023-01** series of 2023 of the **MUNICIPALITY OF SAN MIGUEL, LEYTE**, entitled: AN ORDINANCE PROVIDING THE GUIDELINES FOR THE REGISTRATION OF MOTORIZED AND NON-MOTORIZED BANCAS, THREE (3) GROSS TONNAGE AND BELOW OPERATING WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF SAN MIGUEL, LEYTE.


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian

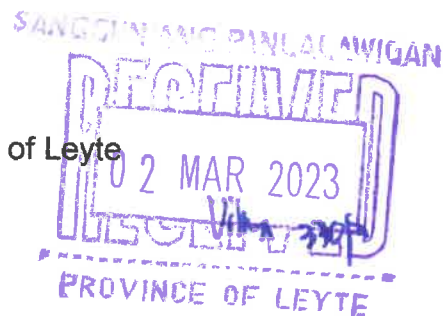


Republic of the Philippines
PROVINCE OF LEYTE
MUNICIPALITY OF SAN MIGUEL
-oOo-

OFFICE OF THE SANGGUNIANG BAYAN

January 28, 2023

The Honorable Members of the Sangguniang Panlalawigan of Leyte
Thru: The Sangguniang Panlalawigan Secretary
Provincial Legislative Building
Tacloban City



Gentlemen/Ladies:

I have the honor to forward herewith pertinent documents of the Sangguniang Bayan of San Miguel, Leyte for review and approval of the august body, to wit:

1. Sixteen (16) copies of Municipal Ordinance No. 2023-01, Series of 2023 entitled: **“AN ORDINANCE PROVIDING THE GUIDELINES FOR THE REGISTRATION OF MOTORIZED AND NON-MOTORIZED BANCAS THREE (3) GROSS TONNAGE AND BELOW OPERATING WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF SAN MIGUEL, LEYTE”**.
2. Sixteen (16) copies of Certificate of Posting.

Kindly acknowledge receipt hereof.

BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan



OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN, SAN MIGUEL, LEYTE, HELD AT THE SESSION HALL, LEGISLATIVE BUILDING, SAN MIGUEL, LEYTE ON FEBRUARY 13, 2023

PRESENT:

- | | |
|-------------------------------|--|
| Hon. Protacio Q. Brazil | - Municipal Vice-Mayor/Presiding Officer |
| Hon. Richard Len B. Lapidario | - SB Member |
| Hon. Prospero Q. Brazil | - SB Member |
| Hon. Charlie L. Guy | - SB Member |
| Hon. Antonio L. Asis | - SB Member |
| Hon. Otelio U. Babiano, Jr. | - SB Member |
| Hon. Ruben G. Agner | - SB Member |
| Hon. Thelma M. Brazil | - SB Member |
| Hon. Letecia G. Espos | - SB Member |
| Hon. Samuel P. Salomon | - Ex-Officio Member, President, Liga ng mga Barangay |
| Hon. Hershey R. Amaga | - Ex-Officio Member, President, Sanggunian Kabataan Pambayang Pederasyon |

**Resolution No. 45
Series of 2023**

NOW THEREFORE, on motion of Hon. Otelio U. Babiano, Jr. duly seconded by Hon. Ruben G. Agner;

RESOLVED, as it is hereby resolved to enact the following ordinance, to wit:

**MUNICIPAL ORDINANCE NO. 2023-01
Series of 2023**

AN ORDINANCE PROVIDING THE GUIDELINES FOR THE REGISTRATION OF MOTORIZED AND NON-MOTORIZED BANCAS THREE (3) GROSS TONNAGE AND BELOW OPERATING WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF SAN MIGUEL, LEYTE

Sponsor: **HON. OTELIO U. BABIANO, JR.**
SB Member/Chairman, Committee on Agriculture, Trade, Industry, Commerce, Livelihood and Cooperatives

Be it ordained by the Sangguniang Bayan of the Municipality of San Miguel, Leyte, in regular session assembled, that:

Section 1. Title. This Ordinance shall be known as **“AN ORDINANCE PROVIDING THE GUIDELINES FOR THE REGISTRATION OF MOTORIZED AND NON-MOTORIZED BANCAS THREE (3) TONNAGE AND BELOW OPERATING WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF SAN MIGUEL, LEYTE”**.

Section 2. Scope. This Ordinance shall be applicable to all fishing vessels three (3) gross tonnage and below owned or operated by residents of this Municipality or its principal office of the operator is located in the Municipality.

Section 3. Definition of Terms. When used in this Ordinance, the following terms and phrases shall mean as follows:

- Admeasurements** – means the measure of the volumetric capacity of the fishing vessel to determine its gross tonnage.
- BFAR** – Bureau of Fisheries and Aquatic Resources
- Fishing Vessel** – any watercraft used for fishing or in support to fishing operations in municipal waters weighing three (3) gross tons and below.

HON. OTELIO U. BABIANO, JR. SB MEMBER
HON. RUBEN G. AGNER SB MEMBER
HON. THELMA M. BRAZIL SB MEMBER
HON. LETECIA G. ESPOS SB MEMBER
HON. SAMUEL P. SALOMON President, Liga ng mga Barangay
HON. HERSHEY R. AMAGA President, SK Pambayang Pederasyon
ATTY. NORMAN D. SABDAO Municipal Mayor

BRYAN NEIL B. BRAZIL Secretary to the Sangguniang Bayan
HON. PROTACIO Q. BRAZIL Municipal Vice-Mayor/Presiding Officer
HON. RICHARD LEN B. LAPIDARIO SB MEMBER
HON. PROSPERO Q. BRAZIL SB MEMBER
HON. CHARLIE L. GUY SB MEMBER
HON. ANTONIO L. ASIS SB MEMBER

Attested by: _____
Concurred: _____
Approved: _____

Certified Correct:


BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan
HON. OTHELLO U. BABIANO, JR.
SB MEMBER

Attested by:


HON. PROTACIO D. BRAZIL
Municipal Vice Mayor/Presiding Officer
HON. ROBERTO G. AGNER
SB MEMBER
HON. THELMA M. BRAZIL
SB MEMBER

Concurred:

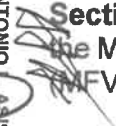

HON. RICHARD LEN B. LAPIDARIO
SB MEMBER

HON. LETECIA A. ESPOS
SB MEMBER

HON. SAMUEL P. SALOMON
President, Liga ng mga Barangay
SB MEMBER

HON. CHARLES T. GUY
SB MEMBER
HON. HERSHEY R. AMAGA
President, SK Pambayang Pederasyon
SB MEMBER

Approved:


ATTY. NORMAN D. SARDAO
Municipal Mayor
HON. ANTONIO J. ASIS
SB MEMBER

- d. **Gross Tonnage** – the product of vessel tonnage length, tonnage depth, and tonnage breadth modified by a factor of 0.70 divided by 2.83.
- e. **Homeport** – refers to the LGU where the fishing vessel is registered.
- f. **License/Permit to Fish** – the privilege to fish in its municipal waters granted to registered fisherfolk by the LGU.
- g. **MARINA** – Maritime Industry Authority
- h. **Motorized Fishing Vessel** – a fishing vessel propelled by mechanical means.
- i. **Net Tonnage** – the GT modified by a factor of 0.32.
- j. **OMAG** – Office of the Municipal Agriculture
- k. **PCG**– Philippine Coast Guard
- l. **Registration** – an act/process of enlisting a fishing vessel three (3) gross tons and below for the purpose of establishing its identity and ownership by assigning it a permanent number (recorded in the municipal registry of municipal fishing vessel).
- m. **Registered Breadth** – the transverse distance taken at a widest part of the hull, excluding rub rails from the outboard side of the skin on one side of the hull to the outboard side of the skin on the other side of the hull.
- n. **Registered Depth** – the vertical distance taken at or near midship from a line drawn horizontally through the gunwale of the skin of the sides of the hull (excluding the rail) to the outboard face of the bottom skin of the hull, excluding the keel Registered Length the horizontal distance between the outboard side of the foremost part of the stem and the outboard side of the aftermost part of the stem, excluding fittings and attachments.
- o. **Tonnage Length** – the length measured at the centerline from a point below the line of the tonnage deck. Measurement taken at right angle to the vessel centerline of the vessel down to the inboard of the bottom sin of the hull.
- p. **Tonnage Breadth** – measured at the mid-part from the gunwale inside of the skin of the hull to the inside of the skin on the other side of the hull.

Section 4. Registration of Fishing Boats. No fishing boat, three (3) gross tons or below shall be allowed to be licensed or be issued with fishing boat license without first registering the said fishing boat to the Municipality or allow transient fisherfolk with appropriate fishing permit to operate within the jurisdiction of the Municipality to fish using unregistered fishing boat. Likewise, no vessel of any size or built shall be allowed to operate or be used for any purposes within the jurisdiction of the Municipality without first registering the said vessel to appropriate government agency.

Section 5. Application. Application for registration shall be submitted and processed at the Office of the Municipal Agriculture. Application for Municipal Fishing Vessel Registration shall be in proper form (MFVR Form 1) and shall be filed under oath.

Section 6. Eligibility to Apply for Vessel Registration. Only Filipino citizens, single proprietorships, partnerships and/or corporations, duly registered or accredited fisherfolk associations, or cooperatives are eligible to apply for registration.

Certified Correct:

HON. OTHELLO U. BABIANO, JR.
SB MEMBER
BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan

Attested by:

HON. ROBERT G. AGNER
SB MEMBER
HON. PROCTACIO D. BRAZIL
Municipal Vice-Mayor

Consented:

HON. THELMA M. BRAZIL
SB MEMBER
HON. RICHARD LEN B. LAPIDARIO
SB MEMBER

Consented:

HON. LETECIA STASPOS
SB MEMBER
HON. SAMUEL P. SALOMON
President, Liga ng mga Barangay

Consented:

HON. GHAUSEL L. GUY
SB MEMBER
HON. HERSHEY R. AMAGA
President, SK Pamulang Pederasyon

Consented:

HON. ANTONIO L. LACAS
SB MEMBER
Approved:

Consented:

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Section 7. Requirements. An applicant for vessel registration shall submit the following requirements for evaluation of the office of the Municipal Agriculture:

- a. Duly notarized Application Form (MFVR Form 1)
- b. Certificate of Inspection or Admeasurements Form (MFVR Form 2)
- c. Two (2) 5R size (4" x 6") picture of the boat (one shot side view, full-length and one perspective shot with the applicant on the side)
- d. PNP-Maritime Group clearance or Local PNP clearance (if the former is not available).
- e. Payment or appropriate fees (registration fee and inspection fee)

Section 8. Issuance of Certificate of Number. The Municipality shall issue a Certificate of Number (MFVR form 3) once all the documentary requirements are fully complied with and upon payment of the registration fee. The certificate of number shall indicate the official serial number of the boat and its official name. The certificate of number shall serve as the proof of ownership of the boat.

Section 9. Assignment of Official Number. The Municipality shall assign an official number to a registered fishing vessel which shall correspond to the code of the province (NOCC), followed by the ZIP code of the Municipality and the serial number (not less than five digits) assigned to the fishing vessel (i.e. LTX-6518-00001). The number shall be painted permanently not less than six (6) inches in height, on both sides of the forward portion of the fishing vessel.

Section 10. Assignment of Name. The owner/operator shall propose a name to be assigned to the fishing vessel. The Municipality shall ensure that a name shall be assigned only to only one (1) fishing vessel regardless of the type of fishing gear being used, design or size of the vessel. If the proposed name has already been assigned to another registered vessel, the owner/proprietor may add letters of the alphabet, any Arabic number or Roman numeral to the proposed name. The name of the fishing vessel shall be painted not less than six (6) inches in size on both sides in the mid portion of the fishing vessel.

Section 11. Issuance of New Certificate Number (CN). The Municipality may issue a new CN to a fishing vessel registered to another city or municipality if the fishing vessel transfers or changes its homeport to this Municipality. A change of homeport may occur if the owner/operator of the said fishing vessel decides to transfer its residence or its principal office to this Municipality or a resident of this Municipality acquired ownership of a fishing vessel registered in other LGU.

Section 12. Re-issuance of Certificate of Number. In cases where the fishing vessel is already registered to the Municipality, re-issuance of CN shall only be made if:

- a. The fishing vessel changes its ownership through a valid sale or any other legal means;
- b. The fishing vessel changes its engine; or
- c. The fishing vessel changes its name.

Section 13. Requirements for Re-issuance of CN.

- a. Change of ownership
 - 1. Duly notarized application form (MFVR Form 1)
 - 2. Copy of duly notarized deed of absolute sale or any legal instrument for transfer of ownership
 - 3. Affidavit of publication executed by the Punong Barangay or Municipal Mayor that a notice had been posted for seven (7) consecutive days in the premises and that there is no opposition filed against the fishing vessel's sale or transfer of ownership.
 - 4. Copy of the notice posted in Barangay Hall or Municipal Hall for seven (7) consecutive days that the fishing vessel has been sold or transferred to the new owner.
 - 5. Copy of the original CN.
 - 6. MFVR Form 2
 - 7. Payment of appropriate fees (registration and inspection fees)

Certified Correct:
BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan
HON. OTELIO U. BABIANO, JR.
SB MEMBER

Attested by:
HON. RUFEN G. AGNER
Municipal Vice-Mayor/Presiding Officer
SB MEMBER
HON. THELMA M. BRAZIL
SB MEMBER

Concurred:
HON. RICHARD LEN B. LAPIDARIO
SB MEMBER
HON. LETECIA S. ESPOS
SB MEMBER
HON. SAMUEL P. SALOMON
President, Liga ng mga Barangay

HON. PROSPERO Q. BRAZIL
SB MEMBER
HON. STANLEY L. GUY
SB MEMBER
HON. HERSHEY R. AMAGA
President, SK Pamdayang Pederasyon

Approved:
HON. ANTONIO L. ASS
SB MEMBER
ATTY. NORMAN D. SABBADAO
Municipal Mayor

b. Change of Engine

1. Duly Notarized Application Form (MFVR Form 1)
2. Copy of the Original CN
3. Copy of the Official Receipt of the engine purchased, and/or
4. Police Clearance that the engine purchased or used is not from a car napped/stolen vehicle.
5. MFVR Form 2
6. Payment of appropriate fees (registration and inspection fees)

c. Change of Vessel Name

1. Duly Notarized Application Form (MFVR Form 1)
2. Affidavit stating the reason for change of name
3. Affidavit of Publication executed by the Punong Barangay or Municipal Mayor that a notice has been posted for seven (7) consecutive days in the premises and that there is no opposition filed against the fishing vessel's change of name.
4. Copy of the Notice posted in the Barangay Hall or Municipal Hall for seven (7) consecutive days that the fishing vessel has applied for change of name, stating the original name of the vessel and the proposed name.
5. Copy of the Original CN.
6. MFVR Form 2
7. Payment of appropriate fee (registration and inspection fees).

Section 14. Deletion or Cancellation of Registration. In cases of loss or decay of the fishing vessel, or its involvement in a marine/maritime incident, which rendered the fishing vessel unseaworthy, the owner/operator shall immediately inform the Municipality and formally request for deletion or cancellation of registration of the said fishing vessel. The Municipality may also cancel or delete the registration of any fishing vessel, after due notice for lawful causes to the owner/operator have been served and appropriate due process have been complied with, without prejudice to filing of separate criminal complaint to proper court if found appropriate. Registration of the fishing vessel may be cancelled or deleted due to any of the following reasons:

1. Utilizing the fishing vessel as coastwise commercial passenger vessel.
2. Involvement of any illegal or criminal activity.
3. Failure to renew the vessel's registration for one year.
4. Giving false information in the application form.
5. Continued failure to display the vessel's official number and name in violation of Section 9 and 10 of this Ordinance.

Section 15. Renewal of Vessel's Registration. Registration of all fishing vessels registered to this Municipality is subject for renewal every year. Application for registration shall be submitted and processed at the Office of the Municipal Agriculture (OMAg) not later than the last working day of January 20 every year. Applicants for renewal of vessel's registration shall present to the OMAg the copy of the Certificate of Number of the vessel for assessment prior to the payment of the appropriate renewal fee. Failure to renew the vessel's registration on the prescribed deadline shall subject the owner/operator of the said vessel to pay an additional cost of twenty-five percent (25%) of the renewal fee and an additional two percent (2%) surcharge per month of payment delay.

Section 16. Record-keeping and Submission of Reports. The OMAg shall maintain updated records of all fishing vessels three (3) gross tons and below registered to the Municipality including those deleted and/or cancelled, and prepare the appropriate reports to be submitted to the Regional Office of the MARINA on the last week of March of every year, copy furnished the provincial offices of PCG and BFAR.

Certified Correct:

Section 17. Registration Fee and Other Charges. The following are the registration fees based on different categories of the fishing vessel:

A. Fees for Initial Registration/Issuance of new CN/Re-issuance of CN:

- a. Motorized Vessel - P500.00
- b. Non-motorized vessel - 200.00

B. Renewal of Registration

- a. Motorized Vessel - P300.00
- b. Non-motorized vessel - 100.00

C. Inspection Fee (including digital photos)

- a. Motorized Vessel - P250.00
- b. Non-motorized vessel - 100.00

Section 18. Appointment of Admeasuring Officer. The mayor, upon approval of this Ordinance shall appoint Admeasuring Officer/s who shall conduct the appropriate vessel inspections, documentation and issuance of certificate of admeasurements. The Admeasuring Officer, who shall be coming from the existing permanent employee of the OMAg, shall be responsible in conducting an orientation seminar for the fishing vessel owners/operators prior to the issuance of CN. The Admeasuring Officer/s shall undergo the necessary training from the MARINA.

Section 19. Color Coding of Fishing Vessels. There shall be a color coding of the fishing vessel for each barangay. As provided for in Section 9 of this Ordinance, the back portion where the registered number is located is to be painted in accordance with the color given below:

- a. Pinarigusan - orange
- b. Bagacay - green
- c. Sta. Cruz - yellow
- d. Malpag - blue
- e. Mawodpawod - red
- f. Other barangays - white

The OMAg shall provide paint to each new registrant.

Section 20. Penalty. Any person caught operating an unregistered fishing vessel within the jurisdiction of this Municipality in violation of Section 4 of this ordinance shall be fined by a minimum amount of One Thousand (P1,000.00) Pesos but not more than P2,500.00 for motorized vessels, and P300.00 for non-motorized vessels and cancellation of fishing permit for transient fisherfolks. Failure to comply with the provisions in Sections 9 and 10 of this Ordinance within 60 days after the issuance of the CN shall be fined by not more than One Hundred (P100.00) Pesos. Provided, that the Municipal Mayor is hereby authorized to impose such administrative fines and penalty.

Section 21. Implementation. The Philippine National Police (PNP), PNP Maritime Group, Philippine Coast Guard (PCG), Fishery Law Enforcers/deputized fish wardens and all other law enforcement agents authorized by existing laws to enforce fishery law, rules and regulations are hereby empowered to enforce this ordinance.

Section 22. Funding. An initial amount of FIFTY THOUSAND (P50,000.00) PESOS shall be appropriated out of the municipal government funds to defray the expenses as provided for under this Ordinance to be administered by the Office of the Municipal Agriculturist and which amount shall be included in the Annual Budget of the OMAg.

Section 23. Repealing Clause. All ordinances inconsistent with this ordinance are hereby repealed.

Attested by:

Concurred:

HON. PROTACIO Q. BRAZIL
Municipal Vice-Mayor/President of Officer

HON. RICHARD LEN BI LAPIDARIO
SB MEMBER

HON. PROSPERO D. BRAZIL
SB MEMBER

HON. CHARLES J. GUY
SB MEMBER

HON. ANTONIO C. ARIS
SB MEMBER

HON. OTHELIO U. BABIANO, JR.
SB MEMBER

HON. ROMENING AGNER
SB MEMBER

HON. THELMA M. BRAZIL
SB MEMBER

HON. LETECIA C. ESTOS
SB MEMBER

HON. SAMUEL P. SALOMON
President, Liga ng mga Barangay

HON. HERSHEY R. AMAGA
President, SK Pambayang Pederasyon

ATTY. NORMAN D. SARDAO
Municipal Mayor

Concurred by:

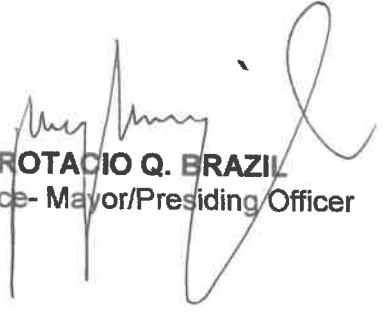
Section 24. Separability Clause. If for any reasons, any part of this ordinance shall be held unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 25. Effectivity. This Ordinance shall take effect fifteen (15) days after approval.

I HEREBY CERTIFY to the correctness of the foregoing resolution.


BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan

Attested by:


HON. PROTACIO Q. BRAZIL
Municipal Vice- Mayor/Presiding Officer

Approved:


ATTY. NORMAN D. SABDAO
Municipal Mayor

(Page 06, Municipal Ordinance No. 2023-01, Series of 2023)


HON. RUBEN G. AGNER
SB MEMBER


HON. RICHARD LEN B. LAPIDARIO
SB MEMBER


HON. THELMA M. BRAZIL
SB MEMBER


HON. PROSPERO Q. BRAZIL
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HON. LETECIA G. ESPINO
SB MEMBER


HON. CHARLIE L. GUY
SB MEMBER


HON. SAMUEL P. SALOMON
President, Liga ng mga Barangay


HON. ANTONIO L. ASIS
SB MEMBER


HON. HERIBERTO R. AMAGA
President, SK Pambayang Pederasyon


HON. OTHELIO U. BABIANO, JR.
SB MEMBER



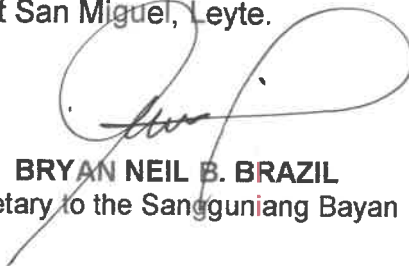
Republic of the Philippines
PROVINCE OF LEYTE
MUNICIPALITY OF SAN MIGUEL
-oOo-

OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATE OF POSTING

THIS IS TO CERTIFY that Municipal Ordinance No. 2023-01, Series of 2023 as embodied under Resolution No. 45, Series of 2023 entitled: **“AN ORDINANCE PROVIDING THE GUIDELINES FOR THE REGISTRATION OF MOTORIZED AND NON-MOTORIZED BANCAS THREE (3) GROSS TONNAGE AND BELOW OPERATING WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF SAN MIGUEL, LEYTE”**, has been posted in three (3) conspicuous places within the municipality and shall remain posted for three (3) consecutive weeks.

Done this 28th day of February 2023 at San Miguel, Leyte.



BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan