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Item No.: 19
Date: JUN 06 2023

Republic of the Philippines
PROVINCE OF LEYTE

SANGGUNIANG PANLALAWIGAN
26 May 2023
Quini
PROVINCE OF LEYTE

PROVINCIAL LEGAL OFFICE

2nd Indorsement
May 2, 2023

Province of Leyte
Legal Office
5.5.23

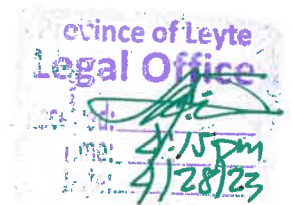
Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 04 S. 2023 of the SB of Merida, Leyte, recommending for the declaration of its validity pursuant to its power under Section 56 (c) of R.A. 7160, the same being, to the opinion of the Provincial Legal Office (PLO), an exercise of the powers "necessary, appropriate, or incidental for its efficient and effective governance, essential to the promotion of the General Welfare", authorized under Section 16 of the Code. In relation with Section 447 (1), (vi) thereof. Provided, That, pursuant to Section 186 of the Code Fees or charges shall not be unjust, excessive, oppressive, confiscatory, or contrary to declared national policy". Provided, Likewise, that the penalty of "Community Service", does not violate the prohibition against INVOLUNTARY SERVITUDE under the 1987 Philippine Constitution.

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


Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
28 April 2023



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **MUNICIPAL ORDINANCE NO. 04, SERIES OF 2023 OF THE MUNICIPALITY OF MERIDA, LEYTE, ENTITLED: AN ORDINANCE INTEGRATING AND HARMONIZING ALL PERTINENT ORDINANCES RELATING TO FISHERIES AND PROTECTION OF THE MUNICIPAL WATERS AND COASTAL RESOURCES OF MERIDA, AND FOR OTHER PURPOSES, OTHERWISE KNOWN AS "MERIDA MUNICIPAL FISHERIES ORDINANCE OF 2023"**.

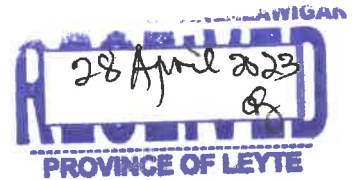

FLORINDA JILLS UYVICO
Secretary to the Board



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MERIDA

OFFICE OF THE SANGGUNIANG BAYAN

April 25, 2023



THE SANGGUNIANG PANLALAWIGAN OF LEYTE
NEW LEYTE PROVINCIAL CAPITOL
PALO, LEYTE

DEAR HONORABLE SP MEMBERS;

I HAVE THE HONOR TO SUBMIT TO THE SANGGUNIANG PANLALAWIGAN OF LEYTE COPIES OF **MUNICIPAL ORDINANCE NO. 04, SERIES OF 2023** – “AN ORDINANCE INTEGRATING AND HARMONIZING ALL PERTINENT ORDINANCE RELATING TO FISHERIES AND PROTECTION OF THE MUNICIPAL WATERS AND COASTAL RESOURCES OF MERIDA, AND FOR OTHER PURPOSES, OTHERWISE KNOWN AS “**MERIDA MUNICIPAL FISHERIES ORDINANCE OF 2023**” ENACTED BY THE 18TH COUNCIL OF MERIDA, LEYTE FOR REVIEW AND CONSIDERATION.

HOPING EVERYTHING IS IN ORDER.

THANK YOU.

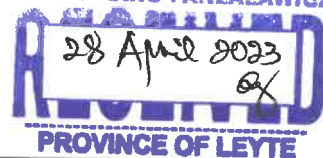
RESPECTFULLY,


JOSEITO T. DE LOS ANGELES
Secretary to the Sanggunianh Bayan



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MERIDA

SANGGUNIANG BAYAN



EXCERPT FROM THE MINUTES OF THE 32ND REGULAR SESSION OF THE SANGGUNIANG BAYAN (18TH COUNCIL), MERIDA, LEYTE HELD ON FEBRUARY 20, 2023 AT THE LEGISLATIVE BUILDING SESSION HALL.

PRESENT:

HON. RODRIGO M. WENCESLAO	, Mun. Vice-Mayor, Presiding Officer
HON. CHENIL C. CALDERON	, Municipal Councilor, Assistant Floor Leader
HON. JOEL A. MARSON	, Municipal Councilor
HON. JESUS ANTONIO R. MARTINEZ	, Municipal Councilor
HON. EMARITO A. LUZARES	, Municipal Councilor, Majority Floor Leader
HON. CAMILO L. DEJON	, Municipal Councilor
HON. FELIPE H. PEREZ, JR.	, Municipal Councilor
HON. NENFA C. OYAO	, Municipal Councilor
HON. STEPHANIE M. MIRALLES	, Municipal Councilor
HON. AMELITA R. GALAM	, LnB President (Ex-Officio)
HON. RALPH STEEVE MIRALLES	, Mun. SK Fed. President (Ex-Officio)

ABSENT:

NONE

-RESOLUTION NO. 18-23-042-

Authored By: Hon. Joel A. Marson

A RESOLUTION ADOPTING MUNICIPAL ORDINANCE NO. 04, SERIES OF 2023 "AN ORDINANCE INTEGRATING AND HARMONIZING ALL PERTINENT ORDINANCES RELATING TO FISHERIES AND PROTECTION OF THE MUNICIPAL WATERS AND COASTAL RESOURCES OF MERIDA, AND FOR OTHER PURPOSES, OTHERWISE KNOWN AS "MERIDA MUNICIPAL FISHERIES ORDINANCE OF 2023."

NOW, WHEREFORE, ON MOTION OF Hon. Joel A. Marson, Chairman Committee on Agriculture, Food, Cooperatives and Livelihood, duly seconded by Hon. Stephanie M. Miralles and Hon. Nenfa C. Oyao, BE IT RESOLVED TO ENACT;

-OVER-

J. Antonio R. Reyes

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MERIDA ORDINANCE 04
Series of 2023

**AN ORDINANCE INTEGRATING AND HARMONIZING
ALL PERTINENT ORDINANCES RELATING TO FISHERIES AND PROTECTION OF
THE MUNICIPAL WATERS
AND COASTAL RESOURCES OF MERIDA, AND FOR OTHER PURPOSES,
OTHERWISE KNOWN AS "MERIDA MUNICIPAL FISHERIES ORDINANCE OF
2023"**

Preliminary Considerations

WHEREAS, the Philippine Constitution protects and advances the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.¹

WHEREAS, the Local Government Code of 1991 (RA No. 7160) has devolved the management of the municipal waters and its coastal and fishery resources to the municipal and Municipal Governments.²

WHEREAS, the Amended Philippine Fisheries Code or Republic Act No. 10654 mandates all coastal municipalities to enact ordinances that will address the sustainable management, utilization, development and conservation of the municipal waters and its coastal and fishery resources;³

WHEREAS, the ecosystem-based approach to fisheries management requires attention to ecosystem integrity, inter-agency cooperation, spatially explicit management measures, and time-series data for multiple species and habitats;

WHEREAS, the Municipality of Merida is endowed with beautiful coastal and island beaches stretching about 15 kilometers, that can be found both in the northern and southern portion of its municipal waters;

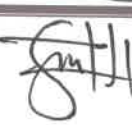





WHEREAS, Merida has also a deep sea and relatively fair coral area that needs to be protected to achieve sustainable fisheries;

WHEREAS, Merida remains to be agriculture-based, which includes traditional municipal fishing, and therefore economic opportunities in the Municipality have to be thoroughly assessed considering existing environmental conditions as well as the opportunities for coastal resource management;

WHEREAS, Merida is presently facing different issues and concerns that affects the coastal areas and resources, such as, human developmental activities, soil erosion in croplands, upland degradation, settlements and coastal land development, overfishing, storms and typhoons, and other concerns like aquaculture and mariculture, coral extraction and red tide, among others;

WHEREAS, the Sangguniang Bayan is convinced of the need to enact a CRM Ordinance that integrates various municipal fishery ordinances to achieve sustainable fisheries and coastal resource use and management;

NOW, THEREFORE, the Sangguniang Bayan of Merida, Leyte, in session assembled DO HEREBY ORDAIN, that:

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SECTION 1. Title: This ordinance shall be known as an "ORDINANCE INTEGRATING AND HARMONIZING ALL PERTINENT ORDINANCES RELATING TO FISHERIES AND PROTECTION OF THE MUNICIPAL WATERS AND COASTAL RESOURCES OF MERIDA AND FOR OTHER PURPOSES" OTHERWISE KNOWN AS "MERIDA MUNICIPAL FISHERIES ORDINANCE OF 2022"

Article I

Declaration of Policy and Definition of Terms

SECTION 2. Declaration of Policy. –

It is hereby declared the policy of the Municipality to:

1. Protect and conserve its municipal waters and coastal resources, not only for the greatest good of the majority of the present generation but moreover, to reassure existence of the same natural resources to adequately satisfy the needs of the future generations;
2. Promote conservation and ensure sustainable and equitable utilization of its coastal areas and resources in conformity with the Amended Philippine Fisheries Ordinance or Republic Act No. 10654 and in pursuit of an ecosystem-based approach to fisheries management;
3. Ensure, for the benefit and enjoyment of the people of Merida 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;
4. Protect the rights of the small and marginal fishers in the preferential use of communal coastal resources;
5. 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;
6. Provide full support for sustainable fisheries in the municipal waters through appropriate technology and research, adequate financing, production and marketing assistance and other services;
7. Allow the private sector to utilize resources under the basic concepts that the grantee, licensee, 'nor permittee thereof shall not only be a 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 resources of the Municipality; and
8. 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; and therefore, maintain that the absence of adequate scientific and technical information should not be used as a reason for postponing or failing to take conservation and management measures.

J. Antonio R. Spiloff

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SECTION 3. Application of its Provisions.

The provisions of this Ordinance shall be enforced in and/or apply to:

1. the coastal and municipal waters of Merida, Leyte;
2. all fishery resources in the municipal waters;
3. all fishery activities or business relating to the use, development, conservation and management of Merida, Leyte's municipal waters and its coastal and fishery resources;
4. all people, entities or corporations that use and/or intend to use the coastal and fishery resources of the Municipality of Merida;
5. all cooperatives duly registered in accordance with law and duly accredited by the Municipal Government of Merida ; and
6. all corporations with sixty (60) percent of its capital belonging to bonafide residents of Merida , Leyte.

SECTION 4. Definition of Terms.

As used in this ordinance, the following terms and phrases shall mean as follows:

1. Ancestral domains – covers land, foreshore and coastal areas including natural resources held under a claim of ownership, occupied and/or possessed by indigenous cultural communities/indigenous peoples (ICCs/IPs) themselves or their ancestors, communally and individually, since time immemorial, and primarily used by indigenous peoples for their livelihood and survival;
2. Aquaculture – fishery operations involving all forms of raising fish and fishery species in freshwater, brackish and marine water areas for both commercial and domestic purposes;
3. Aquatic/coastal pollution – the introduction of substances by human or machine, directly or indirectly, to the coastal environment which result or likely to result in such deleterious effect as to harm living and non – living fishery and coastal activities such as fishing and navigation, including dumping/disposal of waste and other marine litter; discharge of petroleum, and other radioactive, noxious or harmful liquid, gaseous or solid substances, from any water, land or other human made structures. Deforestation and unsound agricultural practices such as the use of banned chemicals and excessive use of chemicals, intensive use of artificial fish feed, and wetland conversation, which causes similar hazards and deleterious effects, shall also constitute aquatic or coastal pollution;
4. Aquatic Resources – include fish, all aquatic flora and fauna and other living resources of the aquatic environment, including but not limited to salt corals;
5. Artificial Reefs – any structure of natural or man-made materials placed on a body of water to serve as shelter or habitat, source of foods, breeding area for fishery species and shoreline protection; used for conservation purposes;
6. Auxiliary Invoice – issued by the Municipality/municipal government for all fish and fishery products prior to their transport from the Municipality/municipality to their point of destination in the Philippines and/or for export purposes upon payment of the fees prescribed in this Ordinance;

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7. Catch Ceilings – refers to the annual catch limit allowed to be taken, gathered, harvested from any fishing area in consideration of the need to prevent overfishing and harmful depletion of breeding stocks of aquatic organisms;

8. MFARMC – shall mean Municipal Fisheries and Aquatic Resources Management Council; FARMC refers to Fisheries and Aquatic Resources Management Council; BFARMC refers to Barangay Fisheries and Aquatic Resources Management Council;

9. MFCARMO – Municipal Fisheries, Coastal, and Aquatic Resource Management Office headed by the Municipal Fisheries, Coastal, and Aquatic Resource Management Officer, "Municipal Fisheries Officer";

10. Municipal Government – refers to the Municipal Government of Merida ;

11. Closed Season – the period during which the taking of specified fishery species by a specified fishing gear is prohibited in an area in the municipal waters;

12. Coastal Area Zone – is a band of dry land and adjacent ocean space water submerged in which terrestrial processes and uses directly after 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, brackish water ponds, nipa swamps, estuarine rivers, sandy beaches and other areas within seaward limit of 200 meters isobaths to include coral reefs, algal flats, sea grass beds and other soft bottom areas;

13. Commercial Fishing – the taking of fishery species by passive or active gear for trade, business or profit beyond subsistence or sports fishing, to be further classified as:

Small – scale commercial fishing – fishing with passive or active Gear utilizing fishing vessels of 3.1 gross tons (GT) up to 20 GT;

Medium – scale commercial fishing – fishing with passive or active gear utilizing vessels of 20.1 gross tons (GT) to 150 GT; and

Large scale commercial fishing – fishing with passive or active gear utilizing vessels of more than 150 GT;

14. Community Service – means any service or activity that is performed for the benefit of the community or its institutions in lieu of payment of fine imposed as administrative or criminal penalty;

15. Coral – marine animals, anthozoan and cnidarian coelenterates, consisting of polyps and the rigid skeletal structure they produce. The living animal with its skeleton and the skeleton alone are both referred to as coral. Included are members of the genus *Corallium*, characterized by a rigid axis of compact calcareous or horny spicules and represented by red, pink and white corals which are considered precious corals; the *Antipatharians*, characterized by a thorny, horny axis and represented by the black coral which are considered semi-precious corals, and ordinary corals which are neither precious nor semi-precious and usually characterized by the calcareous skeleton;

16. Coral Reef – geological features built by natural calcification and other deposits from corals and calcareous;

17. DA-BFAR – refers to Department of Agriculture – Bureau of Fisheries and Aquatic Resources;

18. Demarcated Areas – boundaries defined by markers and assigned exclusively to specific individuals or organizations for certain uses such as:

- a. Aquatic, sea ranching and sea farming;
- b. Fish aggregating devices;
- c. Fixed and passive fishing gears; and
- d. Fry and fingerling gathering.

19. DENR – Department of Environment and Natural Resources;

20. Department – shall mean Department of Agriculture;

21. Electrofishing – the use of electricity generated by batteries, electric generators and other sources of electric power to kill, stupefy, disable or render unconscious fishery species, whether or not the same is subsequently discovered;

22. Endangered, rare or threatened species – aquatic plants and animals, including some varieties of corals and sea shells in danger of extinction as provided for in existing fishery laws, rules and regulations in the protected and BMB of the Department of Natural Resources and in the Convention on the International Trade of Endangered Species (CITES) of flora and fauna and in this ordinance;

23. Exclusive Fishery Privilege – the lease or grant conferred by the Municipality and neighboring municipal government to any individual, association, cooperatives, partnerships or corporation to operate fish corrals, pens and cages, oyster and other shelled-mollusk culture beds, seaweeds farms, pearl culture farms and the catching of bangus fry, prawn fry or fry of other species;


24. Fine-Meshed Nets – net with mesh size of less than 3 centimeters (3 cm) measured between two (2) opposite knots of a full mesh when stretched or as otherwise determined by the government agency;

Pambolinao/Pangbolinao - fine mesh net used to catch anchovies "bolinao", should not exceed thirty-two (32) meters (20 ka dupa) in length and should not exceed 23 meters (14 ka dupa) in depth. Allowable mesh size will not be less than one and half (1.5) centimeter;

25. Fish Aggregating Device – any device or fishing structure that attracts fishes and other marine species, e.g. artificial reefs and payao/payaw; can be used for capture fishing and conservation purposes. Allowable dept is 10 fathoms or 1 km deep from the water surface. For commercial fishing purposes but can be apply to municipal waters for hook and line gears only;

26. Fish Cage – any method of raising fin fish in a fish enclosure which is either stationary or floating, made up of nettings or screen sewn or fastened together and installed in the water with opening at the surface and held in place by wooden posts or various anchors and floats;

27. Fish Corral – a stationary wire or trap devised to intercept and capture fish consisting of rows of bamboo stakes, plastic nets and other materials fenced with split bamboo matting or wire matting with one or more enclosures, usually with easy entrance by difficult exit, and with or without leaders to direct the fish to the catching chambers, purse or bags; Three (3) cm will be the minimum mesh size for bags and surrounding nets unless special permit is applied;
28. Fish Fingerlings – a stage in the lifecycle of fish measuring 6-13 centimeters depending on the species;
29. Fish Fry – a stage in the lifecycle at which a fish has just hatched usually with sizes from 1-5.5 centimeters;
30. Fish Pens – an artificial enclosure constructed within a body of water for culturing fish and fishery aquatic resources made up of poles, closely arranged in an enclosure with wooden materials, screen or nylon netting to prevent escape of fish;
31. Fish Pond – a land base facility enclosed with earthened or stone materials to impound water for growing fish;
32. Fisheries – refers to all activities relating to the act or business of fishing, culturing, preserving, processing, marketing, developing, conserving and managing fishery resources;
33. Fishery License – a document that qualifies a person/cooperative/partnership/corporation to engage in fishery activities in the municipal waters of Merida , Leyte;
34. Fisherfolk – people directly, or personally and physically engaged in taking and/or culturing and processing fishery/coastal/marine resources;
35. 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 end, making equitable contribution to the capital requirement and accepting a fair share of the risk and benefits of the undertaking in accordance with universally accepted cooperative principles;
36. Fishers Organization – an accredited organized group, association, federation, alliance or institution of fishers which has at least 20 members, a set of officers, a constitution and by-laws and having an organizational structure and program/s of action;
37. Fishery and Marine Resources – include all flora and fauna found in coastal and marine areas/zones, including their habitat;
38. Fishery Management Areas – a bay or gulf, lake or any other fishery area which may be delineated for fishery resources management purposes;
39. Fishery/Marine Refuge and Sanctuary – a designated area where fishing, or other forms of activities which may damage the ecosystem of the area is prohibited and human access may be restricted;
40. Fishery Reserve – a designated area where activities are regulated and set aside for educational and research purposes;


 J. Carlos R. Mejia



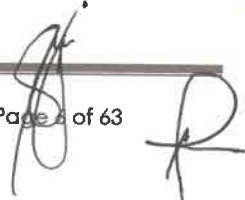












41. Fishing – the taking of fishery species from the wild state or habitat, with or without the use of fishing vessels;

42. Fishing with explosives – the use of dynamite, other explosives or other chemical compounds that contain combustible elements or ingredients which upon ignition by friction, concussion, percussion or detonation of all or parts of the compound, will kill, stupefy or disable or render unconscious any fishery species; it also refer to the use of any substance and/or device which causes explosion that is capable of producing the said harmful effect on any fishery species and aquatic resources and capable of damaging and altering the natural habitat;

43. Fishing with Noxious or Poisonous Substances – the use of any substance, pint extract of juice thereof, sodium cyanide and/or cyanide compounds or other chemicals either in raw or processed, 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 the natural habitat;

44. Fishing Gear – any instrument or device and its accessories utilized in taking fish and other fishery species. It can be either of the following:

Active Fishing Gear – fishing gear characterized by active movement and/or pursuit of the target species by towing, lifting, and pursuing the gears surrounding, covering, dredging, pumping and scaring the target species to impoundment or encirclements, such as, but not limited to, trawl, purse seines, Danish seines, bagnets, pushnets, castnets, beach seines, pa-aling, "Tuktok", "dumbol", drift gillnet (more than 500m in length) and ringnets; Palaran Net Fishing;

Passive Fishing Gear – is characterized by the absence of gear movement 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;

45. Fishing Vessel – any vessel, boat, ship or other watercraft equipped to be used for taking of fishery species or aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preservation, supply, storage, refrigeration, transportation and processing;

46. Fishing Boat/Gear License – a permit to operate specific type of fishing boat/gear for specific duration in areas within the municipal waters for fishing or gathering fish/aquatic resources;

47. Force Majeure – any unforeseeable man-made or natural occurrence that prevents someone from complying with the law or fulfilling a legal obligation;

48. Gratuitous Permit – privilege given to an individual, academic, research institution or organization to capture/harvest and transport aquatic wildlife species from the natural habitat for scientific and other authorized purposes;

49. Limited Access – a fishery policy by which a system of equitable resource use allocation is established by law through fishery right granting and licensing procedure as provided by this ordinance;

50. Mangroves – a community of intertidal plants including all species of trees, shrubs, vines and herbs on coast, swamps, or border of swamps;

51. Marine Protected Areas (MPAs) – an area in the municipal water that is established by an ordinance where fishing is regulated and human access maybe restricted and which is characterized by high productivity and/or biodiversity;

52. Maximum Sustainable Yield (MSY) – is the largest average quantity of fish than can be harvested from a fish stock/resource within the period of time (e.g. one year) on a sustainable basis under existing environmental conditions;

53. Migratory Species – refers to any fishery species which in the course of their life could travel from freshwater to marine water or vice versa, or any species which travel over great distances in waters of the ocean as part of their behavioral adaptation for survival and specification:

a. Anadromous Species – marine fishes which migrate to freshwater areas to spawn (eg. siganids, bangus, talakitok); and

b. Catadromous Species – freshwater fishes which migrate to marine areas to spawn (eg. mudcrab);

54. Monitoring – activities that may include long-term observation of (i) fishing effort which can be expressed by the number of days or hours of fishing gears and number of fishers, (ii) characteristics of fishery resource; and (iii) resource yield or catch;

55. Municipal Fisherfolk – persons who are engaged in municipal fishing and/or fishing within the municipal waters; using only fishing gears allowed inside municipal waters; registered fisherfolk;

56. Municipal fishing – refers to fishing using fishing vessels of three (3) gross tons or less or fishing not requiring the use of fishing vessels within fifteen (15) kilometers distance from the shoreline;

57. Municipal Government – refers to the neighboring municipal government; as such Municipal Government of Merida and the City Government of Ormoc;

58. Municipal Waters – include not only streams, lakes, inland bodies of water tidal waters within the municipality which are not the subject of private ownership and not included within the national parks, brackish water fishponds leased by the government, and national fishery reserves, refuge and sanctuaries but also marine waters included between two lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline including offshore islands and 15 kilometers from such coastline. Where two municipalities are so situated on opposite shores such that there is less than thirty (30) kilometers of marine waters between them, the third line shall be a line equidistant from the opposite shores of the respective Municipality or municipalities;

59. Non-Government Organization (NGO) – refers to an agency, institution, a foundation, or a group of persons whose purpose is to assist people's organizations/associations in various ways including, but not limited to, organizing, education, training, research and/or resource accessing;

60. OMA-BMC – Ormoc City, Municipality of Merida, and Municipality of Albuera Bay-Management Council. Fishery Alliances of Ormoc Bay;

61. Overfished Area – an area within the municipal waters which cannot sustain the fisheries which can be due to any of the following types of overfishing: (1) too much harvesting in such a way that the mean size of fish captured is suboptimal for providing effective yields from a fishery; (ii) intense fishing pressure by which the process of fishery restocking through reproduction and resettlement is impaired; (iii) shift in community structure from fishery dominated by valuable species to one dominated by species of less economic value or utility; and (iv) when resource users faced with declining catches and lacking any other alternative, initiate wholesale resource destruction in their effort to maintain their incomes;

62. Paarak- this type of fishing utilizes a fishing vessel (commercial or municipal), usually equipped with high-powered engines (v12 or higher) for chasing, and the vessel itself usually have a crow's nest where the spotter/lookout member of the crew would nestle himself to have a good overview of the surrounding. This fishing activity is usually conducted during new moon (dulom). To be able to scout school of fish which usually glimmers due to diatom's luminescence. Upon detection of school of fish, the vessel will pursue said school of fish and start bombarding it with explosives. Other vessels use light attractors for fish aggregations. After blasting on the school of fish, seine net will be set for scooping or hauling of the blasted fish;

63. People's Organization – a bonafide and duly accredited association of citizens with demonstrated capacity to promote the public interest and with identifiable leadership, membership and structure; its members belong to a sector/s in the community who voluntarily band themselves together to work for their own upliftment, development and greater good;

64. Permit – a document issued to license holders before engaging in fishing using particular gear and/or boat or engage in any fishery activities within the municipality;

65. Permit to dock – the permit granted to commercial fishing vessels or other fishing vessels not registered/licensed with the Municipal Government of Merida to dock on any port, pier, wharf, or quay within the Merida, Leyte; purposes of unloading fishery/aquatic products and refurbishing of supplies;

66. Person/s – natural or juridical entities such as individuals, associations, partnership, cooperatives corporations;

67. Postharvest Facilities – These facilities include, but not limited to fishports, fishlanding, ice plant and cold storages, fish processing plants;

68. RA 10654 – Republic Act No. 10654, otherwise known as the Amended Philippine Fisheries Code, is the national law that governs the management and conservation of the fishery resources of the country;

69. Special Permit – permit that is specific to the requirement or need to certain fishing gear, fishery/marine/coastal structure, or other fishery related activities that will allow the user/fisherfolk based on guidelines that the LGU will require;

70. Stationary Lift Nets – also known as "Basnig", a stationary fishing structure that is operated along the coastal waters. Utilizes light as an attracting device and a large lift nets for entrapment. Three (3) cm will be the minimum mesh size for bags and surrounding nets;

J. Carlos R. Reyes

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71. Skylab (local term: used to identify a type of fishing gear) – is a type of fishing gear using a circular wire frame with attached fine mesh net or any of its modifications. It is operated with the use of tom weight, which stabilizes the net underwater; attached with one or two capsule lights to attract fish. This gear is being lifted to collect fish. Mostly, the target species are anchovies and other juveniles;

72. Superlight – also called magic light, is a type of light using halogen or metal halide encased in bulb filled with ultraviolet gas with watt range from 500 and above per bulb which may be located above the sea surface or submerged in the water. It consists of a ballast, regulator, electric cable and socket; the source of energy comes from a generator, battery or dynamo couple with the main generator;

73. Subsistence/Marginalized Fishing – refers to gleaning and fishing activities primarily carried out to feed the family, and with non-motorized banca using low fishing technology, such as hook-and-line; allowed fish catch will be estimated to maximum of 2 kilogram per day; Registration will be required with no fees.

74. Total Allowable Catch (TAC) – the maximum harvest allowed to be taken during a given period of time from any fishery areas, or from any fishery species or group of fishery species, or a combination of areas and species and normally would not exceed the MSY;

75. Trammel net - fishing nets or any other fishing nets that are attached and overlapped against each other, resulting to “double” or “triple” netting walls regardless of net size. This will cause the net size to reduce making it similar to a fine mesh net; and,

76. Tuktok (local term: used to identify a type of fishing gear) - a kind of gear using a net lined with dried banana or any leaves, employing a scaring device, which uses approximately 4-inch diameter and 2-3feet long GI pipe or any of its modification. The said gear is suspended under water and banged by any hard object to create sound, which deafens and scares the fish causing it to hide under the leaves leading to its capture.

Article II Municipal Waters and Jurisdiction

SECTION 5. Territorial Boundary. –

Pursuant to the Local Government of Code of 1991 (RA 7160), the Amended Philippine Fisheries Ordinance of 1998, as amended by RA 10654, and as defined in this ordinance, the municipal waters of this Municipality shall be comprised of all the rivers, streams and inland bodies of water enclosed within the territorial jurisdiction thereof, including marine waters which shall be within the geographic coordinates as determined by the National Mapping Resource and Information Authority (NAMRIA), and as approved by the Department of Environment and Natural Resources (DENR).

For the purpose of this Ordinance, they shall be divided into Inland Waters and Marine Waters.

SECTION 5-a. Inland Waters – The Inland Municipal waters of Merida shall include the following:

Name	Coverage (Barangays)
Rivers:	
1. Bagacay Bridge	Brgy. Puertobello
2. Macatol Bridge	Sitio Macatol, Puertobello
3. Casilda Bridge	Brgy. Casilda
4. Kinayaban Bridge	Sitio Kinyaban, Can-unzo
5. Can-unzo Bridge	Brgy. Can-unzo
6. Libas Bridge	Brgy. Libas
7. Purok 3 Bridge	Purok 3, Libas
8. Purok 5 Bridge	Purok 5, Libas
9. San Jose Bridge	Brgy. San Jose
10. Lundag Bridge	Brgy. Lundag
11. Mat-e Bridge	Brgy. Mat-e
12. Lamanoc Bridge	Brgy. Lamanoc
13. Merida Bridge	Brgy. Poblacion
14. Guinubatan Bridge	Sitio Suba, Macario
15. Calunangan Bridge	Brgy. Calunangan

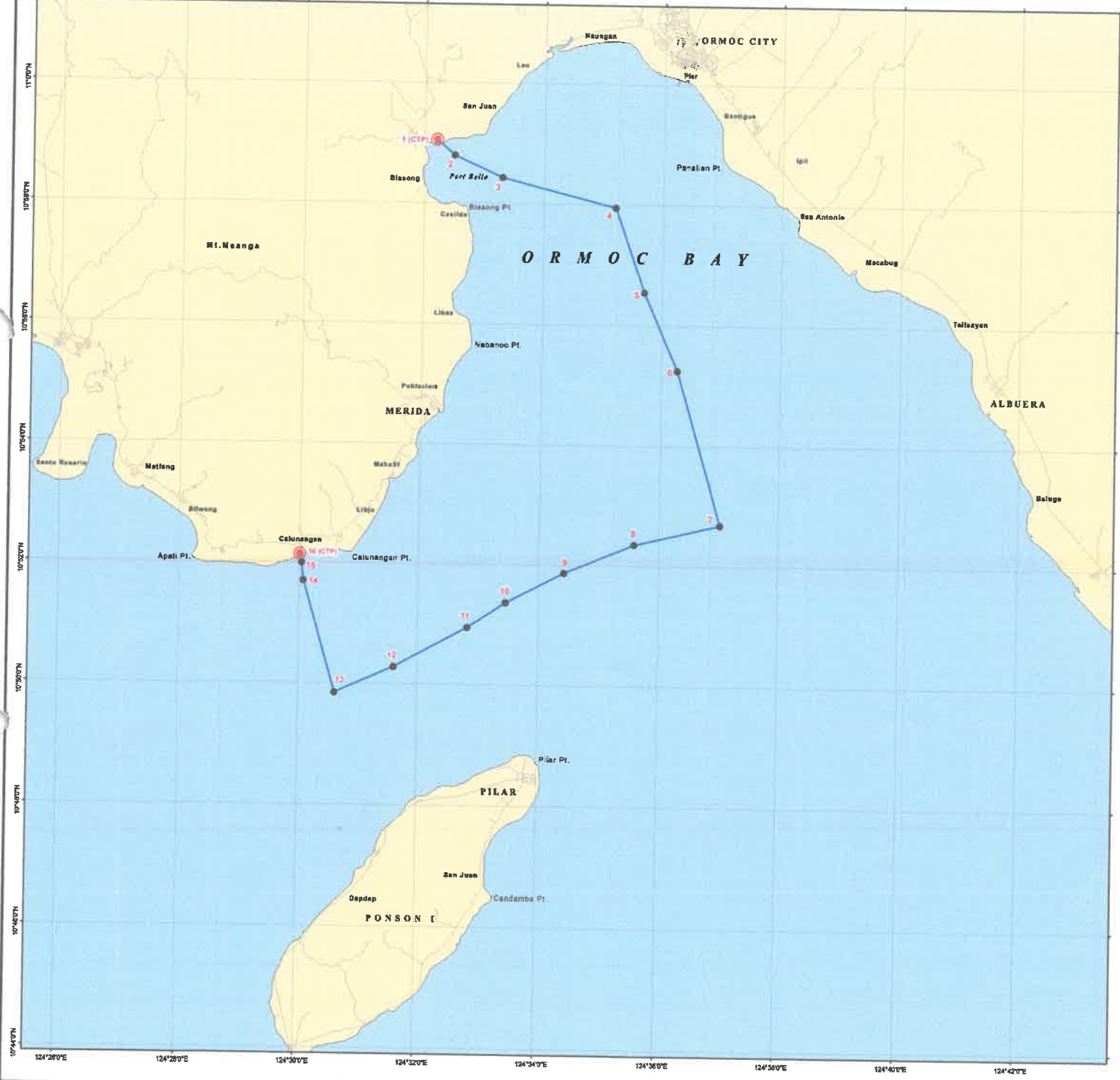
SECTION 5-b. Marine Waters – The marine municipal waters of Merida shall be comprised of the waters enclosed within the following geographic coordinates:

Point	LUZON DATUM		Remarks
	Latitude	Longitude	
Beginning 1	10° 59' 03"	124° 32' 12"	Coastal terminal point with Ormoc City referred from MBM No.1
thence 2	10° 58' 48"	124° 32' 30"	
thence 3	10° 58' 26"	124° 33' 18"	
thence 4	10° 57' 57"	124° 35' 12"	
thence 5	10° 56' 33"	124° 35' 42"	
thence 6	10° 55' 15"	124° 36' 16"	
thence 7	10° 52' 41"	124° 37' 01"	
thence 8	10° 52' 21"	124° 35' 35"	
thence 9	10° 51' 52"	124° 34' 25"	
thence 10	10° 51' 22"	124° 33' 27"	
thence 11	10° 50' 57"	124° 32' 49"	
thence 12	10° 50' 17"	124° 31' 36"	
thence 13	10° 49' 51"	124° 30' 37"	
thence 14	10° 51' 42"	124° 30' 04"	
thence 15	10° 52' 00"	124° 30' 02"	
thence 16	10° 52' 08"	124° 30' 00"	Coastal terminal point

See attached map – Next page...

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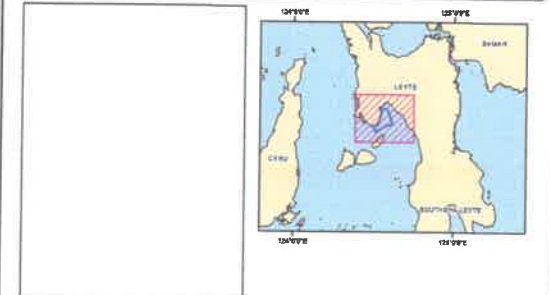


MUNICIPAL WATERS MAP
MUNICIPALITY/CITY OF : MERIDA
PROVINCE OF : LEYTE
ISLAND OF : LEYTE
REGION : REGION VIII (Eastern Visayas)

SCALE 1:70,000
0 1 2 3 4 5 Kilometers
Datum : Luzon 1911
Projection : Mercator

LEGEND:	SOURCE DATA:
COASTAL TERMINAL POINT (CTP)	1.) Philippine Nautical Chart No. 4428
TURNING POINT OF MUNICIPAL WATERS BOUNDARY LINES	2.) Municipal Waters Boundary Line Database
LAND AREA	3.) Philippine Topographic Map

TECHNICAL DESCRIPTIONS AND LOCATION:



NOTE:
Pursuant to Section 123 of Republic Act No. 8550 (RA 8550) otherwise known as "The Philippine Fisheries Code of 1998," Rule 123.2 of its implementing rules and regulations as amended by Section 157 of RA 10654 otherwise known as, "An Act To Prevent, Deter and Eliminate Illegal, Unreported And Unregulated Fishing, Amending RA 8550, Otherwise Known As, The Philippine Fisheries Code Of 1998, And For Other Purposes," Rule 157.3 of its Implementing rules and regulations and Administrative Order No. 03 Series of 2004, "Guidelines For Delineating, Delineating Municipal Waters for Municipalities and Cities Without Offshore Islands".

CHECKED AND VERIFIED:

MARITIME AFFAIRS DIVISION
HYDROGRAPHY BRANCH
San Nicolas, Manila

DELINEATION STATUS

PRELIMINARY	REVISED	CERTIFIED
MUNICIPAL ORDINANCE		
MUNICIPAL WATER AREA		COASTLINE LENGTH

PRODUCED BY :

Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
NATIONAL MAPPING AND RESOURCE INFORMATION AUTHORITY
HYDROGRAPHY BRANCH
San Nicolas, Manila

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SECTION 6. Jurisdiction of the Merida Government.

The Municipal Government of Merida shall have jurisdiction over the municipal waters. In consultation with the MFARMC the Merida Government shall be responsible for the management, conservation, development, protection, utilization and disposition of all coastal and fishery resources within the municipal waters. Further, it shall enact corresponding ordinances and issue executive orders thereon; Provided, that all ordinances enacted and executive orders issued by the Municipal Government, shall conform with the existing national and local laws and policies, including policies of other concerned agencies and institutions, and shall not endanger the sustainability of the coastal and fishery resources or destroy the ecological integrity of these resources. The Municipal Government shall also enforce all fishery and environmental laws, rules, and regulations, as well as coastal and fishery resources-related ordinances enacted by the Sangguniang Bayan.

SECTION 7. Zonation of the Municipal Waters.

The Sangguniang Bayan will always reserve for the enactment of future ordinances that are related to the identification, delineation, and technical descriptions of these different zones.

The municipal waters shall be designated into the following zones:

Zone 1: Marine Protected Area, Marine Reserve, and Fish Sanctuary. The areas are existing protected areas along the coastal area of Merida, Leyte. These zones will serve as refuge to all marine species and shall not be allowed or opened to any fishing activities. All regulations will be indicated in the Barangay Marine Protected Area, Marine Reserve, and/or Fish Sanctuary Management Plan.

Marine Reserve and Fish Sanctuary Area	Points	Longitude	Latitude
Benabaye-Calunangan Bird and Fish Sanctuary	12	124° 31' 36"	10° 50' 17"
	13	124° 30' 37"	10° 49' 51"
	14	124° 30' 04"	10° 51' 42"
	15	124° 30' 02"	10° 52' 00"
	16	124° 30' 00"	10° 52' 08"
Can-unzo Marine Reserve Area	4	124° 35' 12"	10° 57' 57"
	5	124° 35' 42"	10° 56' 33"

Zone 2: Mariculture Area. Located in the coastal area of Barangay Casilda:

Mariculture Zone	Station/Point	Longitude	Latitude
CASILDA	4	124° 35' 12"	10° 57' 57"

The Mariculture Zone is near the shoreline of Brgy. Casilda, Merida, Leyte, approved by BFAR Region 8. The Mariculture Zone will provide stakeholders with area to invest and will be managed by the Municipal Government of Merida (refer to Mariculture Ordinance).

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Zone 3: Other Fishery Structure Area. Other Fishery Structure zone will be dedicated to Fish Corral (bunsod), Stationary Lift Nets (basing) and other allowed capture fishery structure projects and activities. No other fishery structures are to be established without prior inspection of the applied area and approval by Municipal Fisheries Officer.

Other Fishery Structure Zone	Boundary Points	Longitude	Latitude
Within Pto. Bello and Casilda Waters	1	124° 32' 12"	10° 59' 03"
	2	124° 32' 30"	10° 58' 48"
	3	124° 33' 18"	10° 58' 26"
	4	124° 35' 12"	10° 57' 57"

Riverbank reservation. There shall be established a twenty (20)-meter riverbank reservation demarcated from the highest high tide landwards for purposes of habitat rehabilitation and the general safety of the populace.

Zone 4: Other Zones.

Sub-zone:

1. **Navigation Zone.** The Philippine Coast Guard will designate Navigation Zone within the municipal waters for commercial and passenger vessels. Municipal fishing navigational area will stretch from 100 to 400 meters from the lowest low tide. Such navigational lanes will not permit any forms of fishing activities; with the exemption of the municipal fishing navigational area where it will be regulated.

2. **Eco-tourism Zone.** For purposes of sustainability and to maintain the integrity of the coastal marine areas of Merida suitable for eco-tourism, there shall be defined areas for ecotourism as prescribed by Merida Fisheries and Aquatic Resource Management Office and Merida Tourism Office.

3. **Zones for Municipal wharf, fish landing areas, fish port.** Fish landing port will be located on the coastal area of Barangay Poblacion. All fishing vessel, commercial and municipal, shall utilize the fish port and dock prior to unloading any fishery products. The Municipality shall designate a wharf or marina that will be located near the fish port and will cater to all fishing vessels. The wharf or marina will also serve as permanent docking and parking area for all municipal boats that are displaced in the municipal waters of Merida, Leyte. The Municipality shall also require to collect docking and parking fees to utilize for repair and maintenance of the wharf and marina.

4. **Anchorage Zone.** This refers to areas where fishing vessels can anchor. The Municipal Government of Merida will recommend area for fishing vessels to anchor if docking will not permit for the time-being.

5. **Fishpond areas.** This refers to existing fishpond areas whether operated or not provided that no further expansion shall be allowed. Such zones are as reflected on the CLUP of the Local Government Unit of Merida, Leyte. The Municipal Fisheries and Aquatic Resources Management Office and the Municipal Environment and Natural Resources Office in coordination with the Municipal Planning Office shall provide of the mapped area of all fish ponds allowed inside Merida, Leyte.

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6. **Municipal Fishing Zone:** The Merida Government shall designate all other areas in the municipal waters which are not covered by the different zones as defined in this Ordinance as fishing zone for fishing activities like hook and line, gill nets and all other fishing activities allowed under RA 10654.

SECTION 8. Navigational route.

The Municipal Government, in consultation with the Philippine Coast Guard and MFARMC, shall designate the navigational routes of ferries and other fishing crafts and shall disallow any activity that shall obstruct the designated navigational route; Provided, that nothing in the foregoing section shall be construed as permitting the lessee, licensee or permittee to undertake any construction which may obstruct free navigation and impede water circulation such as the flow of tide to and from the area.

SECTION 9. Use of the Municipal Waters.

The use, utilization, and exploitation of fishery and aquatic resources in the municipal waters of Merida shall be reserved for Municipality fisherfolks. Provided, however, that other activities such as, but not limited to, research, scientific, technological, and educational purposes may be allowed: Provided, further, that prior to the conduct of such activity a permit has been secured from the Local Chief Executive in consultation with the endorsement of the MFARMC.

SECTION 10. Persons eligible for fishing and/or fishery privileges. The following are eligible for fishing or fishery privileges within the municipal waters provided they do not utilize vessels more than 3 gross tons capacity:

- a. Residents of Merida who are Filipino citizens;
- b. Cooperatives, association and organizations duly registered in accordance with law and duly accredited by the Municipal Government of Merida; and
- c. Corporations with sixty (60) percent of its capital belonging to bonafide residents of Merida, Leyte.

SECTION 11. Users of the Municipal Waters.

All fisheries related activities in municipal waters as defined in this Ordinance shall be utilized by registered municipal fisherfolk and their cooperatives/association who are listed as such in the registry of fisherfolks of this Municipality.

Provided, however, the Local Chief Executive in consultation with the MFARMC and upon evaluation and recommendation by the Municipal Fisheries Officer may allow or authorize the entry and operation of non-resident fisherfolks within municipal waters of Merida, Leyte. Provided, further, that non-resident fisherfolk shall only use fishing gears that are allowed or prescribed in this Ordinance and can only operate after a limited fishing permit has been secured both from their local municipality and the Municipality of Merida.

SECTION 12. Registry of Municipal Fishers.

The Municipal Government shall maintain a registry of fishers for purposes of determining priorities among them, regulating and limiting entry into the municipal waters, and monitoring fishing activities and/or other related purposes: Provided, that such list or registry shall be updated annually or as often as may be necessary, taking

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into account ecological and social factors, and shall be posted in barangay halls or other strategic location where it shall be open to the public, for the purpose of validating the correctness and completeness of the list; Provided, however, That the Municipal Government, in consultation with the MFARMC, shall formulate the necessary mechanisms for inclusion or exclusion procedures that shall be most beneficial to the resident municipal fishers, and the MFARMC may likewise recommend such mechanisms; Provided, further, that the Municipal Government shall maintain a registry of municipal fishing vessels, type of gears and other boat and fishing particulars.

Qualification/Eligibility – Only the municipal fishers and persons engaged in fishery-related industry who meet the following eligibility requirements shall be allowed to register:

- a. a citizen of the Philippines
- b. must be directly or personally and physically engaged in the taking of fishery and/or aquatic resources from the wild state or habitat with or without the use of fishing vessels of three (3) gross tons or below;
- c. must be directly or personally and physically engaged in the gathering, selling, processing and production of fishery products;
- d. a resident of the municipality for at least six (6) months; 5
- e. at least eighteen (16) years of age;
- f. must not be a respondent or accused of any case involving violation of any environmental and fishery laws or ordinance.

SECTION 13. Registration of motorized and non-motorized boats and gathering of profile of every fisherfolk.

The Office of Municipal Fisheries Officer, in close coordination with the Municipality Treasurer, shall initiate and implement strict registration of all motorized and non-motorized bancas in all coastal Barangays of Merida, Leyte. Registration of boats at the barangay level shall be closely coordinated with the Barangay Officials, and more particularly, the Barangay Kagawad Chairman on Fisheries, Environment and Natural Resources, for easy gathering of data and information, prior to actual boat registration. Gathering of data and profile of every fisherman in every barangay will help maintain and improve municipal fisheries data base and information which can be used for future development planning and Implementation of programs and projects relative to coastal development.

SECTION 14. Coding of motorboats.

The Municipal Government shall designate a signage for all motorboats that will be operating in the Municipal; Provided, that the certificate numbers and designated color shall be inscribed as Ordinance of each boat of the barangay situated on both sides of the bow, in a space provided for such purpose.

- | | | |
|------------|---|----------------------------|
| 1. Albuera | – | Green with white markings |
| 2. Ormoc | – | Blue with white markings |
| 3. Merida | – | Yellow with black markings |

All fishermen residing in Merida who are not residents in any of the municipalities/cities mentioned above shall affiliate/register their boats in any of the aforementioned coastal barangays where they dock their fishing vessels.

ARTICLE III

Utilization and Exploitation of Fishery Resources

SECTION 15. Preferential Treatment to Municipal Fishers and Their Organization in the Grant of Exclusive Fishery Privileges.

The duly registered and accredited organizations, cooperatives of municipal fishers, and peoples' organizations which have municipal fishers comprising the majority of members shall have preference in the grant of exclusive fishery privilege. Such grant shall be guided by the following procedures:

1. Sangguniang Bayan shall post in the municipal hall and in at least two (2) other strategic places a notice to fisher organizations or cooperatives to apply for the exclusive fishery privileges. The notice shall also be posted in at least two (2) conspicuous places in every fishing barangay and declare the amount of the exclusive fishery privilege.

a. Interested parties shall have a period of sixty (60) days from the posting of the notice to signify their intention to the Sangguniang Bayan to avail of the exclusive fishery privilege.

b. Should two (2) or more groups signify their intent to avail of the exclusive fishery privilege, the Sangguniang Bayan shall accommodate them. If this should not be possible, the Sangguniang Bayan, in consultation with the BFARMC, shall draw up guidelines to resolve the matter. The BFARMC will make its recommendation.

c. Only when no organizations have signified their intent to avail of the exclusive fishery privilege or there is failure in the grant of such privilege to the organization, shall other parties be invited to participate in a public bidding; provided, however, that interested bidders should have fishery licenses issued by the Municipal Government.

d. The Sangguniang Bayan, through a resolution, shall award the exclusive fishery privilege.

e. The organizations or cooperatives or the winner in the public bidding shall pay the amount of the exclusive fishery privilege to the Municipal Government, through the office of the Municipal Treasurer.

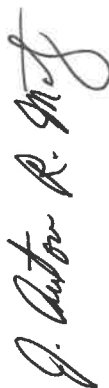
SECTION 16. Limitations on the Grant of Exclusive Fishery. –

The following limitations shall be strictly followed:

1. The exclusive fishery privilege shall be binding and valid for one (1) year;
2. The exclusive fishery privilege shall not be sub-contracted or sub-leased, in whole or in part; and
3. The members of the fisherfolk organizations or cooperatives, whose household are already in possession of any exclusive fishery privilege, other than for fish capture, cannot enjoy the exclusive fishery privilege granted to the organization or cooperative.



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SECTION 17. Grounds for the Cancellation of the Exclusive Fishery Privilege.

The following are the grounds for the cancellation of the exclusive fishery privilege:

1. Construction and operation of stationary lift nets, fish corral, other fishery structures, and/or gathering of bangus fry outside of the designated zones/areas in the municipal waters;
2. Violation of any fisheries and environment-related laws and ordinances;
3. Use of dummies;
4. Failure to comply with national laws, rules and regulations;
5. When the holder of the exclusive fishery privilege submits a voluntary written request to forego of such privilege; and
6. When public welfare so requires, as deemed by the Municipal Government, in consultation with the BFARMC.

ARTICLE IV

Management, Development and Conservation of Fisheries and Aquatic Resources

SECTION 18. Exemption for the use of active gears purposely used to catch anchovy, oyabang, tugnos and other small fish which are already considered mature.

To avail of the exemptions, the following conditions must be met, as follows:

- A. Person seeking exemption must be a duly registered fisherfolk of Merida, Leyte;
- B. Fishing boat must be three (3) gross tons and below and must be duly registered at the Municipality of Merida;
- C. Fishing gears must be duly licensed purposely used for catching anchovy, oyabang, tugnos and other small fish which are considered mature; may require gratuitous or special permit;
- D. Pamolinao/Pangbolinao - fine mesh net used to catch anchovies "bolinao", should not exceed thirty-two (32) meters (22 ka dupa) in length and should not exceed 23 meters (14 ka dupa) in depth. Allowable mesh size will not be less than one and half (1.5) centimeters or no. 22 mesh size;
- E. Anchovy close season are on the months of April, May, and June, seasonality may change through scientific data or information (based on reportorial requirements). Prohibition on the catch of any anchovies will be implemented during the following months; and
- F. All above mentioned conditions are to be applied only during the open season for anchovy, oyabang, tugnos and other small fish which are considered matured; Special or Gratuitous Permit may apply.

Consistent with the Merida declaration of Policy the Municipal Government shall designate a closed season in the catching and gathering of live commercially importance and reef fishery resources.

SECTION 19. Limited Entry into Overfished Areas.

Whenever a particular area in the municipal waters is being overfished or in danger of being overfished, based on available scientific data or information (based on reportorial requirements), the Sangguniang Bayan, in consultation with the MFARMC, shall enact an ordinance prohibiting or limiting fisheries activities in the said waters.

SECTION 20. Management of Marine Protected Areas (MPAs), Marine Reserves Area (MRA), and Fish Sanctuaries (FS).

1. Marine protected areas, marine reserves and/or fish sanctuaries shall be established to protect and manage the coastal and fishery resources of the Municipality and 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 MPAs and in accordance with approved management plans and ordinances.
2. A multi-sectoral management body shall be created, empowered and funded as part of the MPA/MRA/FS management plan in order to ensure proper and responsible planning, management and enforcement of the MPA. This group will be duly elected and composed of the Barangay Captain and Council, Chairperson of the Barangay FARMC (BFARMC), Barangay Tanods and other interested parties. The BFARMC Chairperson and Barangay Chair will serve as co-chairs of the management body.
3. This management body will meet on a regular basis as prescribed in the management plan and organize the following committees – (1) Information, Education and Communication Committee, (2) Enforcement Committee, (3) Monitoring and Evaluation Committee, (4) Finance Committee, (5) Planning Committee and other committees that may be deemed necessary by the body.
4. Within one year from the issuance of the Implementing Rules and Regulations of this Ordinance, the MPA management body and community stakeholders will prepare a five-year MPA plan and ensure that regular maintenance budget is yearly allocated by the municipality.
5. The Municipal Government of Merida will appropriate annually funds for the management of each MPA, and the barangay concerned will likewise provide funds as their counterpart in the management of the MPA.
6. The recognized fisherfolk association/organization/cooperative will be represented in all committees, and whenever appropriate, the MPA management body may delegate key management functions to the BFARMC.

A. GENERAL PROHIBITIONS IN CORE ZONE

1) MPA core zones are considered sanctuaries and these areas will be marked with buoys and signboards. All fishing, destructive and extractive activities are prohibited within this zone. Prohibited activities include, but are not limited to, the following activities:

- a) Hookah diving;
- b) Spear fishing;
- c) Fishing with any type of net and/or fishing gear;
- d) Gathering, collection and/or destruction of any type of marine life;
- e) Use of boat anchors;
- f) Swimming and recreational activities;
- g) Use of motorized and non-motorized boats, including wave runners or jet skis;
- h) Disposal of solid and/or liquid wastes;
- i) Extraction or destruction of all forms of marine life;
- j) Unauthorized construction of shelter and buildings;

- k) Such other activities that may cause damage to and destruction of marine life;
- l) Stealing of buoys, ropes, and other warning materials.

In cases of "Force Majeure" the rules on the entry of motorized and non-motorized boats may be lifted on a case to case basis.

B. GENERAL PROHIBITIONS IN THE BUFFER ZONE and Other Regulated Zones

In the established buffer zone (200 meters from the perimeter) that surrounds the marine sanctuary or core zone, traditional fishing shall be allowed. The following are prohibited:

1. All fishing, destructive and extractive activities are prohibited within the designated buffer zone of the marine sanctuary; the only exception being that small fisherfolks from the Barangay only may use hook and line fishing with no more than 15 hooks, and other fishing gears are not allowed in the buffer zone. The Buffer Zone will likewise be marked by buoys and signboards.
2. No recreation activities may be conducted in the area, except and unless it is covered in their MPA/MRA /FS Management Plan such as tourism and allowing motorized and non-motorized boats to pass through the area, only under the assurance that they slow down their engines to a minimum and do not fish within the area.

SECTION 21. Mangrove protection and conservation

The Municipal Government, in coordination with the Department of Environment and Natural Resources (DENR), the MFARMC, the BFARMCs, the people and their organizations, and other concerned institutions in the adjacent barangays where mangroves are located, shall initiate proper management of mangrove areas; Provided, that the Municipal Government, in coordination with the DENR, shall develop programs that promote and ensure community participation in the rehabilitation and management of existing mangrove areas.

For areas where communities have been awarded legal instruments, environmentally-friendly utilization of mangroves shall be based on an approved management plan.

SECTION 22. Code of Practice for Aquaculture. – Merida shall follow the Fisheries Administrative Order No. 214, Series of 2001: "Code of Practice for Aquaculture," "Field Guide On The Establishment, Operation And Management Of Mariculture Parks In The Philippines," and other guidelines on good aquaculture and Mariculture practices that will outline general principles and guidelines for environmentally-sound design and operation to promote the sustainable development of the industry with coordination and through a consultative process with the Department of Agriculture through the Bureau of Fisheries and Aquatic Resources, Department of Environment and Natural Resources, the fish workers, FLA holders, fishpond owners, fisherfolk cooperatives, small-scale operators, research institutions and the academe, and other potential stakeholders. If changes or additional guidelines will be added, the Municipal Government of MERIDA may consult with responsible government agencies and/or other specialized and

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accredited international/local organizations and academe in the formulation of the an updated code of practice for aquaculture and Mariculture.

SECTION 22.A. Coastal Mariculture and Aquaculture.

A. The Municipal of Merida shall consider coastal aquaculture as a means to promote diversification of income and preservation and conservation of coastal and fisheries resources provided that the Municipal Government should ensure that:

1. Resources are used responsibly and adverse impacts on the environment and on local communities are minimized;
2. Coastal aquaculture development considers the genetic diversity and ecosystem integrity of the municipal waters;
3. The livelihood of the people and their access to fishing grounds are not adversely affected;

B. In the development of coastal aquaculture, the Municipal Government shall establish effective procedures to undertake appropriate environmental assessment and monitoring with the aim of minimizing adverse ecological changes and related economic and social consequences resulting from water extraction, discharge of effluents, use of chemical, and other aquaculture activities.

C. The Merida Government shall maintain the quality of the water at the optimal level relative to natural productivity and the cleanliness of the areas devoted for aquaculture development with the assistance of the Municipal Environment and Natural Resource Office (MENRO).

D. The operators and owners of aquaculture facilities shall develop a mechanism for proper waste disposal. Violation of this section may be a ground for the cancellation of the permit to operate aquaculture activities.

SECTION 22.B. Regulation on construction and operation of fish cages, fish Pens, fish corral, oyster, and mussel farms.

The Municipal Government, in coordination with the MFARMC, shall regulate the construction and operation of fish cages, fish pens, fish corrals, oyster and mussel farms. The installation, establishment and/or construction of fish cages, fish pens, fish corrals, oyster, and mussel farms in the municipal waters of Merida shall be regulated by the Municipal Government in coordination with the MFARMC which shall only be allowed and/or permitted in Mariculture and aquaculture zones allocated and designated for such purpose; provided, however, that establishment of these projects shall have the following distance:

Kind of Project	Distance to another project
Oyster or mussel farm	100 m from another farm owned by another operator
Fish pen	100 m from another farm owned by another operator
Fish corrals	100 m from another farm owned by another operator
Fish cages	See recommendation in the mariculture management plan

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SECTION 23. Allocation and Limitations of Fishery Resources for Fishing and Mariculture Purposes in Fishery Management Areas - The Municipal Government of Merida in the allocation and/or distribution of the fisheries resources for Mariculture purposes within its territorial jurisdiction shall ensure accessibility of every priority fisherfolk, hence the following requirements and conditions:

1. No fish cage, fish pen, or fish corral shall be constructed outside the identified zones and/or constructed outside designated area as prescribed by the Municipal Fisheries, Coastal, and Aquatic Resources Management Office, and along navigational routes and in front of the Municipal Wharf; and
2. The following resource allocation system must be strictly observed:

For fish corral and stationary lift nets establishment:

- each individual licensee shall be allowed to establish a maximum of one (1) unit only;
- partnership, corporation, association, and cooperatives shall be allowed to occupy an area of not more than two (2) units only; and
- Fish corral must be 200 meters by the rivermouth and atleast 300 meters away from residential areas. Close season (Nets must be raised and catch nets or bags)
- There will be a close season for fish corral and stationary lifts operation. Three (3) days before and three (3) days after the full moon, the owners and operators of the registered fish corral and stationary lift nets will require to raise the nets above water, including the pockets(entrapment area) of their fishery structures to avoid any fish catches during these period.

For seaweed culture:

- each individual licensee shall be allowed to occupy an area of not more than one thousand (1,000) square meters only;
- partnership, corporation, association, and cooperatives shall be allowed to occupy an area of not more than five thousand (5,000) square meters; and
- A ten thousand (10,000) square meters (or 1 hectare) shall be allocated or reserved for government projects.

For oyster and mussel culture:

- each individual licensee shall be allowed to occupy an area of not more than Five Hundred (500) square meters only;
- partnership, corporation, association, and cooperatives shall be allowed to occupy an area of not more than two thousand (2,000) square meters; and
- a Five Hundred (500) square meters shall be allocated or reserved for government project.
- During red tide events, the removal or collection of the oyster or mussel culture will be prohibited until the red tide events subside through announcement from the Local Shellfish Advisory and/or Shellfish Bulletin from the Department of Agriculture through the Bureau of Fisheries and Aquatic Resources and other responsible government and accredited academe offices.

For fish cages and fish pen operation inside mariculture park or designated area for fish cages and fish pens:

- each individual licensee shall be allowed to occupy an area of not more than five hundred (500) square meters only;

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- partnership, corporation, association, and cooperatives shall be allowed to occupy an area of not more than two thousand (2,000) square meters; and
- a ten thousand (10,000) square meters shall be allocated or reserved for government projects.

SECTION 24. Registration of fish hatcheries and private fishponds.

All fish hatcheries, fish breeding facilities and private ponds must be registered with the Municipal Government, which shall prescribe minimum standards for such facilities in consultation with the Department of Agriculture through the Bureau of Fisheries and Aquatic Resources. Existing private fishponds and fish hatcheries without proper documentation and permits will be given the first twenty days (20) of January to comply with all the legal requirements as provided under the revised Revenue Ordinance of this Municipality.

Permit to Operate (per year)

Area	Charges
Less than 100m ²	Free
100m ² to 500m ²	Php 500
500.1m ² to 1 hectare (ha)	Php 1,000
1 hectare (ha) and above	Php 1,400.00/hectare

SECTION 25. Bond for aquaculture operation.

Those who wish to construct and operate any aquaculture facility for commercial purposes shall deposit a bond to the Municipal Government in an amount equivalent to thirty (30) percent of the amount of fees for the construction and operation of the aquaculture facility.

To answer for damages caused to public and private properties or persons relative to the operation of the aquaculture facility.

SECTION 26. Coastal and aquatic pollution.

All activities on the grounds or waters, which directly or indirectly result or likely to result in such deleterious effect which harm living and non-living aquatic resources, cause hazards to human health, hindrance to coastal or fishery activities such as fishing and navigation, including dumping/disposal of waste and other marine litter, siltation due to sand and gravel extraction, and industrial waste, among others, shall be prohibited; Provided, that it shall be the responsibility of the polluter to contain, remove and clean up pollutants at his/her own expense; Provided, however, that, in case of failure to do so, the Municipal Government, in coordination with other concerned agencies and institutions, shall undertake containment, removal and clean-up operations and the expenses incurred in said operation shall be charged against the person and/or entities responsible for such pollution.

SECTION 27. Maintenance of water quality and cleanliness.

Merida has several river systems which need to be maintained, preserved, and effectively managed. Strategies and plans identified under the ICRMP and the Municipality's Comprehensive Land and Water Use Plan shall be implemented to address disaster-related risks and vulnerability issues.

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Article V

REGISTRATION and FISHERY LICENSE

SECTION 28. Registration and Registry of Municipal Fisherfolks, Boats and Fishing Gear Used, and Type of Fishery-Related Activity Engaged In.

The Municipal Fisheries, Coastal, And Aquatic Resource Management Office in collaboration with the MFARMC in the Municipality of Merida shall conduct a general registration of municipal fisherfolks with at least six (6) months residency in this Municipality who are fishing or may desire to fish and/or engage in fishery-related activities in municipal waters for the purpose of giving preference among them, as basis of limiting entry into the municipal waters and as identification of priority municipal fisherfolks who shall be allowed to fish within the municipal waters, and monitoring fishing activities. Such registration shall include the fishing boat and gears/paraphernalia used, which should not be construed as permit to fish.

SECTION 29. Fishery license.

No person, as defined in this Ordinance shall be allowed to fish within the municipal waters of Merida without a fishing license issued by this Municipality. Provided, that license fees shall not be required of marginal fisherfolk duly registered as such in the Registry of Municipal Fisherfolk for the purpose of fishing for personal or family consumption.

All individuals, cooperatives, associations, partnership, firms, or corporations who are listed in the registry of municipal fishers and accredited by the LGU shall be issued fishery license, upon payment of the prescribed fee; Provided, however that the fishery license is non-transferable; Provided, further, that the holders agree unconditionally to comply with all the laws, orders, policies, and rules regulations governing fishing. The licensee shall also assume responsibility for any and all of his/her acts in fishing and fishery operations.

Section 30. Fisherfolk Registration – No fees shall be collected for the municipal fisherfolk registration.

SECTION 31. Renewal of fishery license.

The fishery license shall be renewed annually every first quarter of the calendar year. A twenty-five (25%) percent penalty will be applied after the first quarter.

SECTION 32. Licensing procedures.

Applicants for fishery license shall submit the following documents to the Municipal Fisheries, Coastal, and Aquatic Resource Management Office:

- a. Duly accomplished application form (for new applicants);
- b. Barangay Certificate (for individual) or certificate of registration (Department of Labor and Employment) and certificate of accreditation from Sangguniang Bayan (for organizations, cooperatives, partnership firms of corporations); and
- c. Proof of payment of the prescribed fees for licensed fishing gears. (Official Receipt)

SECTION 33. Fishing Gears and Fisheries-Related Activities Eligible for Licensing and Permit - For the proper utilization, conservation, and management of the municipal waters, and after consultation with the MFARMC, the fishing activities that shall be permitted, allowed and/or authorized to operate within the fishing zones of this Municipality are as follows:

<u>English Name</u>	<u>Local Name</u>
A. Fishing gears/nets	
1. Hook and line	Pasol
2. Multiple hand line	Undak
3. Long line	Kitang
4. Fish/Squid Pot	Bobo
5. Crab Pot	Bantak o Panggal
6. Crab Lift Net	Bintol
8. Spear fishing without breathing apparatus	Pamana
9. Spear fishing with light	Ganta-aw
10. Fish Corral	Bungsod
11. Stationary Lift Net	Basnig o Bintolan
12. Fishing net for catching species that	Pukot nga pino ug are small but already matured mata (< 3cm)
13. Bottom Set Gillnet	"Palubog"
14. Drift Gillnet	"Palutaw"
15. Squid Jigger	Pang-nokos
16. Fine Mesh Net for Anchovies	Pamolnaw/ Pambolinaw
B. Use of Fishing Accessories	
1. Pressure lamps	Petromax o Gral
2. Other Fishing Lights	pang suga
3. Scoop Net	Sikpaw/Sibot
C. Mariculture/Aquaculture activities	
1. Fish cages	Fish cage
2. Fishpond	Punong
3. Oyster or mussel culture	Talabahan o Tahongan
4. Fish/Crab pen	Fish/Crab Pen
5. Aquasilviculture	Aquasilviculture
6. Seaweed Culture	Guso-an
D. Other Fishing Activities	
1. Gathering of shellfish like Bungkawil, Tab, Barinday	Panginhas
2. Gathering of sea cucumber	Panguha ug balat
3. FAD	Payaw/Gango/ Awong/ Habung
E. Operation of Fish Processing Plants and for fishery related establishment:	
1. Fish drying	Buwaran
2. Fish salting	Ginamosan
3. Fish smoking	Tapahan
4. Fish fermentation	Patisan
5. Breeding and Hatcheries	Paitlogan
	for fish and other fishery/ sa isda ug uban pa .

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6. Other fishery processing plants

SECTION 34. Restrictions on the Operations of Some Eligible Fishing Gears - Fishing and other fisheries related activities enumerated in Section 32 hereof shall be permitted or allowed to operate within the municipal waters of Merida , Leyte, only after the issuance of fishing licenses and permits thereof. Provided, that their operation shall only be allowed in areas intended for them. Provided, however, that the operation of Fish corral (bungsod) shall not be allowed in inland municipal waters.

SECTION 35. Schedule of license fees and registration of motorized and non-motorized boats

License to exploit, occupy, produce, culture, capture or gather fish of any species and other fishery products in the municipal waters shall be granted by the Municipality Mayor upon payment of corresponding fees to be determined by Municipal Fisheries, Coastal, and Aquatic Resource Management Office at the rate not exceeding those fixed hereunder; Provided that municipal fishers who have secured permits from their respective City/Municipality, may operate in the municipal waters of Merida , Leyte.

Type of fishing Vessel	Standard Fees/Year
Non-motorized	Php 50.00
Motorized	5 hp - 7.9 hp - Php 200.00
	8 hp - 10.9 hp - Php 300.00
	11 hp - 16 hp - Php 500.00

Record Changes	Charges
a) Change of Homeport & Color	100.00
b) Change of Boat Name	100.00
c) Change of Engine	100.00
d) Change of Ownership	100.00

For using gears and engaging in the following fishing operations	Standard Fees
Hook and Line	Php 100.00
Multiple Hand Line	Php 100.00
Long line	Php 50.00
Fish/Squid Trap/Pot	Php 25.00/unit
Crab Trap/Pot	Php 75.00 (50 units and below; excess of 50 units, add Php 2.00/unit)
Crab Lift Net	Php 75.00 (50 units and below; excess of 50 units, add Php 2.00/unit)
Spears Fishing without breathing apparatus. *SCUBA gears w/ diving license	Php 75.00 Php 1,500.00
Spears Fishing with Light	Php 75.00

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Fish Corral (Shallow, max of 300 m ²)	< 3m = Php 500.00 3-5m =Php 800.00
Fish Corral (Deep Sea, max of 600 m ²)	5-8m = Php 1,100.00 8-10 m= Php 1,300.00 10-15 m= Php 1,500.00 >15 m= Php 1,700.00
Stationary Lift net	Php 1,500.00
*Fine-Meshed Net (for catching small but matured species) Pambolinao	Php 500.00
Bottom Set Gillnet (not more than 500m)	Php 150.00
Drift Gillnet (not more than 500m)	Php 150.00
Squid Jigger	Php 75.00
Scoop Net for Alamang	Php 75.00
Gleaning "panginhas", shellfish and other mollusks	Free
Seaweed Farming	200 m ² and below = Php 100 201 – 400 m ² = Php 175 401 – 600 m ² = Php 250 600 – 1000 m ² = Php 400
*FAD "payaw" and others	
Offshore (3 km payaw from shoreline)	Php 1000.00 (association/group)
Nearshore (more than 1km away from shoreline, seagrass, coral reef, MPA, MRA, and FS)	Php 500.00 (association/group)
Awong/Habung	Php 75.00 (10 units and below; excess of 10 units, add Php 25.00/unit)
Others	May Vary as prescribed by the Municipal Fisheries, Coastal, and Aquatic Resource Office.

(*) May require gratuities or special permit.

SECTION 36. Merida docking, mooring, anchoring and wharfage fees.

The following schedule of fees is hereby implemented to permit commercial fishing vessels, registered/licensed by MARINA and BFAR or licensed fishing vessels and service boats registered/licensed with the Municipal Government of Merida to dock and anchor on any port, pier, wharf, or quay within Merida for purposes of unloading fishery/aquatic products and refurbishing of supplies; specifically and only on Merida Fish Port located in the coastal reclaimed area of Brgy. Poblacion, Merida, Leyte.

Type of Fishing/Marine Vessel	Gross Tonnage	Standard Fees/day
Municipal Fishing Vessel	a. Municipal fishing boat* b. Service and delivery boat	Free Php 100/day
Small-scale Fishing Vessel	3.1-20 GT	200/day
Medium-scale Fishing Vessel	20.1-150 GT	300/day
Large-scale Fishing Vessel	150.1 above	500/day
Commercial/Cargo Vessel	150.1 above	1,000/day

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These fees shall be valid only for 24 hours upon receipt of the ticket issued by the collecting officer or authorized representative of the LGU. Docking, Anchoring, and mooring outside the specified areas shall be imposed with a violation and a fine of P2,500.00 per day.

*Municipal Fishing Boat shall not exceed boat hull forty (40) feet in length.

SECTION 36.1. The General Registration Guidelines

36.1.1. Application

The LGUs must require the application to file an application under oath using a standard application form (Annex A), which shall contain the following information: name of owner, nationality, residence, type and make of fishing vessel and propulsion, and other pertinent information that the LGU may require.

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

36.1.2. Tonnage Measurement

The LGUs with the assistance of MARINA and PCG shall train and authorize a pool of inspectors to conduct an inspection of the fishing vessel to determine its gross tonnage using the metric formula as follows:

$$\text{Gross Tonnage} = \frac{\text{Tonnage Length} \times \text{Tonnage Breadth} \times \text{Tonnage Depth} \times 0.75}{2.83}$$

The inspector shall certify the correctness of the ad measurement in the standard tonnage measurement form (Annex B).

36.1.3. Certification from the Philippine National Police

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

36.1.4. Issuance of Certificate of Number

The LGUs shall issue a Certificate of Number using the standard format (Annex C) once all the documentary requirements are fully complied with and upon payment of the registration fee.

36.1.5. Payment Fees

The LGUs shall require the applicant to pay the prescribed registration fee

36.1.6. Official Number, Assignment of Name and Marking of Vessels

36.1.6.a. Official Number

The LGUs shall assign an official number to a registered fishing vessel, which shall correspond to a code specifying the Province, and LGU as listed in Annex D,

which shall be painted, permanently marked or plated on both sides of the forward portion of the fishing vessel.

36.1.6.b. Assignment of Name

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

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

36.1.6.c. Color Coding System

SECTION 37. Use of fish aggregating device (fad); payaw and fish/crab/squid traps/pots in municipal waters.

A. FAD Regulations and guidelines:

1. Fish Aggregating Devices (FAD) such as Payaw will be placed in the Payaw use zones. Only hook and line fishing method/gear are allowed;

2. Payaw will be categorized into two types: Nearshore Payaw, using only equivalent to one (1) unit of one (1) foot diameter circular styrofoam floater and less than three (3) fish attractor, and should be more than 1km away from the shoreline, Seagrass, Coral Reef, MPA, MRA, and FS; and Offshore Payaw: payaws at a depth of atleast twenty-two (22) meters or located more than 2-3 kilometers from the lowest low tide. The Municipal Fisheries, Coastal, and Aquatic Resource Management Office will set a zonation, standard sizing, and other regulation and limitation prior to installation of payaws;

3. Payaw registration shall only apply to groups or association of at least five members not belonging to the same household. Applicants must be registered fisherfolk and must submit a letter of intent addressing to the Municipality Mayor and a sketch plan of the design of their payaw. The Municipal Fisheries, Coastal, and Aquatic Resource Management Office will validate the design and provide a designated area (GPS Coordinates) inside the Payaw Zonation;

4. Each payaw must be clearly marked with its license number and name of owner. Payaw permit holder will be responsible for removing the structures they installed when their operations have finished. They will also ensure that only fishing with the use of passive gears allowed by the Municipality will be allowed to operate in the area;

5. The payaw floater shall not be made out of degradable products like styrofoam and must be colored orange with white outline of the registered name and number from Merida registry;

6. All unmarked payaw will be considered as unauthorized and will be removed from the municipal waters of Merida, Leyte. Payaws will only be registered to groups of fisherfolk (minimum of five per group);

7. Payaws shall be constructed, at least, five hundred (500) meters away from each other, taking into account social and ecological conditions of the area. Offshore payaw shall not be allowed to be constructed and maintained less than three (3) kilometers from the coastline and one (1) kilometer from the buffer zones and all coral reef, seagrass, and MPA/MRA/FS area;
8. Provided, further, for the association/group who were presently permitted will be given a duration of 1 year to operate his/her payaw. After 1 year, the owner can still renew his/her permit, but he/she will be subjected to the new ordinance. The remaining payaw that is beyond the maximum limit shall be removed at his/her own expense;
9. Payaw permit holders identified to be associated with a commercial boat and using fishing nets will lose their privilege and have their permit revoked;
10. The Municipal Government of Merida may provide a program coordinated with other government office in creating a community payaw within Merida municipal waters; The Municipal Fisheries, Coastal, and Aquatic Resource Management Office will formulate operational guidelines with the coordination to the Department of Agriculture through the Bureau of Fisheries and Aquatic Resources and the Philippine Coast Guard;
11. Fish, Squid, and Crab Pots must be clearly marked with its license number and name of the permit holder. The Municipal Government may provide the permit holder specific marker when needed and available;
12. Awong/Habung or other fishery aggregating device shall not be placed along navigational area and/or must be in a FAD zone as prescribed by the Municipal Fisheries, Coastal, and Aquatic Resource Management Office; and,
 - a. The Municipal Fisheries Officer may require a special permit for FAD operations.

SECTION 38. Gratuitous and Special permit.

The Municipal Government may issue gratuitous and special permits to municipal fishers to occupy, produce, culture, capture, or gather fish of any species and other fishery products in the municipal waters; Provided that preference will be given to marginalized fishers; and subject to limitations as may be imposed.

Government agencies or institutions of learning may also be given gratuitous permits to engage in any fishery activities in the municipal waters for scientific or educational purposes, subject to the terms and conditions as may be imposed.

The MFARMC must endorse the applications for gratuitous permits. Holders of such gratuitous permits are allowed to use only passive gears in their fishing activities.

Special permits may apply on specific fishing gears and fishery structures when deemed necessary by the Municipal Fisheries Officer.

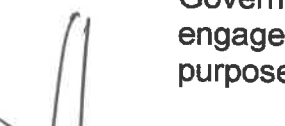

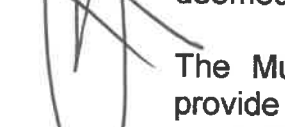
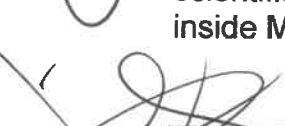

The Municipal Fisheries, Coastal, and Aquatic Resource Management Office will provide guidelines for gratuitous and special permits requirements based on available scientific data or information (reportorial requirements) to avoid and prevent overfishing inside Merida, Leyte's municipal waters.


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SECTION 39. Duties of holders of licenses, permits and exclusive fishery privileges.

All licensees, permittees and holders of exclusive fishery privileges shall comply with existing laws, orders, rules and regulations governing coastal and fishery resources and shall:

- a. Take precautions as may be necessary to prevent destruction to the coastal and fishery resources and habitat and the municipal waters and to ensure environmental protection at all times;
- b. Assume responsibility for the use of fishing boat and any or all acts of his/her agents, such as employees or laborers, including those of contractors connected with his/her fishing operations, or in the establishment, management, or operation of the contract during the fishing expedition, such as transport and or possession of dynamite, cyanide and other poisonous or noxious substances, as well as any fish caught through unlawful means;
- c. Keep and submit all records and reports of transaction in connection with the license, permit or lease in such format as required by the terms and conditions of the license and as may be required by law;
- d. Keep fish catch record on every fishing trip as prescribed by the Municipal Fisheries, Coastal, and Aquatic Resource Management Office.
- e. Allow or render assistance to any law enforcer for purpose of inspection, search and examination of any person, document, records and places of operations including storage areas, auxiliary boats or goods aboard the boat;
- f. Vacate the area covered by the fishery privilege, upon expiration or as directed by authorized Municipal Officials, unless renewed or cancelled;
- g. Clear, remove, destroy or demolish any debris, material, structure or gear placed or constructed on the site of the fishery privilege upon expiration or cancellation of the privilege;
- h. Delay in the renewal of permits shall be subject to a surcharge of twenty-five percent (25%) penalty will be applied after the first quarter; and,
- i. Abide by all other related rules and regulations that will be legislated after the enactment of this ordinance.

SECTION 40. Suspension or Cancellation of Permits/Licenses.

Permits/licenses may be cancelled on the following grounds:

- 1. Fraudulent, false and misleading statements in the applications;
- 2. Failure to comply with and/or violation of applicable national laws and local ordinances;
- 3. Construction and/or operation of fish cage, fish pen or fish corrals outside designated areas;
- 4. Abandonment and non-operation of the area for 60 days and/or lack of interest of the permittee to continue;
- 5. Failure to pay the necessary fees, surcharges or penalties; and,

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6. Commission of any prohibited acts as specified in Article XII for two or more instances, the period of suspension shall range from one (1) to 5 years as determined by the Sangguniang Bayan.

SECTION 41. Funds for Municipal Fisheries, Coastal, and Aquatic Resources Management and Development Plan.

A Trust Liability will be established to serve as repository of funds for Municipal Fisheries, Coastal, and Aquatic Resources Management and Development Plan (CFCARMDP).

The Municipal Government shall allocate all revenues derived from the utilization and exploitation of the municipal waters to the Municipal Fisheries, Coastal, and Aquatic Resources Management and Development Plan activities such as, but not limited to, law enforcement, resource rehabilitation and livelihood program for fishers, research, training and education. Administrative fine/s collected shall be disbursed to implement the objectives on this Ordinance.

SECTION 42. Share of barangays on revenues of the Merida Government.

The Municipal Government shall appropriate ten (10) percent of all fees derived from the utilization and exploitation of the municipal waters to the coastal barangays; Provided however, that the Municipal Government, within sixty (60) days from the enactment of this Ordinance, shall formulate implementing rules and regulations to implement this section; Provided, however, that such share shall be remitted to the barangays before the end of the year.

Article VI

POST-HARVEST FACILITIES AND TRADES

SECTION 43. Establishment of post-harvest facilities.

The Municipal Government shall coordinate with the private sector and other concerned private and government agencies and the MFARMC in the establishment of post-harvest facilities such as, but not limited to, Municipality fish landing sites, fish ports, ice plants and cold storage and other fish processing establishments to serve primarily the needs of the municipal fishers.

SECTION 44. Regulation in the marketing of all fishery products in the Municipality.

The Municipal Government of Merida shall regulate the marketing of fishery products within the Municipality and formulate guidelines to implement this ordinance.

SECTION 45. Exportation and importation of fish and fishery products.

Export of fish and fishery products shall be regulated whenever such exportation affects the food security and production; Provided, that exportation of live fish shall be prohibited, except those which are hatched or propagated in accredited hatcheries and ponds; Provided, however, that, to protect and maintain the local biodiversity or ensure

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sufficient supply, spawners, breeders, eggs and fry of bangus, prawn and other endemic species, as may be determined by the Department of Agriculture, shall not be exported or caused to be exported by any persons; Provided, further, that no person shall import fish and fish products of whatever size, stage or form, for any purpose without securing the necessary permit.

SECTION 46. Auxiliary invoice.

A. All fish and fishery products, except those caught in violation of the provisions of this Ordinance or are declared as health hazards by concerned institutions, must have an auxiliary invoice to be issued by the Municipal Fisheries, Coastal, and Aquatic Resources Management Office prior to their transport from the point of origin to their point of destination in the Philippines and/or export, upon payment of the prescribed fees to defray administrative costs, therefore.

Auxiliary invoice Fee

1 kg – Php 1.00 + Php 15.00 Inspection Fee

B. Fishes and other fishery product of origin outside of Merida lacking of auxiliary invoice or local transport permit from the DA-BFAR, shall be subject for inspection by the Municipal Fisheries, Coastal, and Aquatic Resources Management Office.

SECTION 47. Support to municipal fishers.

The Municipal Government, in coordination with other agencies and institutions concerned, shall provide support to municipal fishers and their organizations through appropriate technology and research, credit, production and marketing assistance and other services such as, but not limited to, training for additional or supplementary livelihood/enterprise. The Municipal Government may work with and enlist the support of academic institutions and non-government organizations in the provision of these services.

ARTICLE VII

MANAGEMENT OF CONTIGUOUS FISHERY RESOURCES

SECTION 48. Participation in the Management of Contiguous Fishery Resources

– The Municipal Government of Merida shall participate in the management of Ormoc Bay that straddles several Local Government Units, which shall be done in an Integrated Fisheries and Aquatic Resources Management Councils (IFARMC) established under Section 76 of RA 8550 as Amended by R.A. 10654, which serves as the venues for close collaboration among LGUs. All fishery management efforts of this Municipality shall be coordinated with other affected municipalities to achieve the objectives of integrated fishery resource management.

SECTION 49. Mandate for Membership to Baywide Management Council – In order for the Municipality of Merida to achieve its goals for an integrated fishery resource management and as a requisite to participate in the resource-sharing and decision-making, the Local Government Unit of Merida shall be mandated to become a member of a Bay wide Management Council; provided, that the membership and participation of this Municipality on all discussions in the Council shall be represented by the Local

Chief Executive or his authorized representative. The Municipality, as a member, of the Baywide Management Council may recommend for adjacent LGUs, not currently a member, to join the Council to enlarge the coverage of coastal resources and fisheries protection and management along Ormoc Bay or nearby coastal areas.

SECTION 50. Supports to Baywide Management Council – The Local Government Unit of Merida shall provide support or share its resources in terms of personnel, financial, expertise for the protection, conservation and management of the contiguous fisheries and resources of Ormoc Bay; provided, that supports to the management council shall be endorsed by the Sangguniang Bayan. Financial support may be programmed inside the Annual Local Development/Investment Plan in a uniformity of fisheries activities and program with the members of the Baywide Management Council.

ARTICLE VIII

MERIDA AQUATIC AND COASTAL RESOURCES MANAGEMENT AND FISHERIES DEVELOPMENT PLANNING

SECTION 51. Mandate for the Municipal Fisheries, Coastal, and Aquatic Resources Management and Development Planning – Municipal Fisheries, Coastal, and Aquatic Resources Management Office, The Office of the Municipal Environment and Natural Resources (MENRO) and the Municipal Planning and Development Office (MPDO) in coordination with the MFARMC and other concerned agencies, shall formulate a Municipal Fisheries, Coastal, and Aquatic Resources Management and Development Plan (MFCARMDP), which shall be the basis for the long-term development and management of the coastal fishery/aquatic resources of the Municipality of Merida . The Municipal Fisheries, Coastal, and Aquatic Resources Management and Development plan shall at least cover a minimum of five (5) years.

SECTION 52. Planning Consultation - Within sixty (60) days from the after the five year coverage of the Municipal Fisheries, Coastal, and Aquatic Resources Management and Development Plan, the Municipal Fisheries, Coastal, and Aquatic Resources Management Office with the MENRO and the MPDO shall engage in public consultation with the Barangay FARMCs in order to determine the needs, goals, objectives and programs for development and management of the coastal fishery/aquatic resources of the Municipality; provided, that the results of such consultation shall be documented and consolidated for presentation to the Sangguniang Bayan through its Committee on Agriculture and Fisheries.

SECTION 53. Formulation of the Merida Aquatic And Coastal Resources Management And Fisheries Development Planning - Using the results of the consultation as a guide, the Municipal Fisheries, Coastal, and Aquatic Resources Management Office, MENRO, and MPDO in collaboration with the MFARMC and concerned government agencies, shall within sixty (60) days from the date of the last consultation and prior to the preparation of the budget for the next succeeding year, formulate a Municipal Fisheries, Coastal, and Aquatic Resources Management and Development Plan with the objective of making the same as an integral part of the Local Development Plan.

SECTION 54. Integration Into Local Development Plan – After completion, the Municipal Fisheries, Coastal, and Aquatic Resources Management and Development Plan shall be formally submitted to the Municipal Planning and Development Office at its

regular meeting; provided, that subject to appropriate adjustments in consideration of the other plans and programs of the Municipality, the same shall be integrated into and form part of the Annual Local Development/Investment Plan for the following year.

SECTION 55. Financial/Budget Support for the Municipal Fisheries, Coastal, and Aquatic Resources Management and Development Plan Preparation - With the approval of the Municipal Mayor, the MPDO, MENRO and MFCARMO shall submit and present to the Sangguniang Bayan the Work and Financial Plan on the different activities related to the preparation of the Municipal Fisheries, Coastal, and Aquatic Resources Management and Development Plan of the Municipality; provided, that one (1) week after the approval/adoption of the SB, an amount of one hundred thousand Pesos (P100,000.00) shall be released through the Municipality Treasurer Office as funding support for the MFCARMD Plan preparation.

Article IX

CREATION OF MUNICIPAL FISHERIES, COASTAL, AND AQUATIC RESOURCE MANAGEMENT OFFICE UNDER THE OFFICE OF THE MUNICIPALITY MAYOR.

SECTION 56. Creation of Municipal Fisheries, Coastal, and Aquatic Resource Management Office.

There is hereby created Municipal Fisheries, Coastal, And Aquatic Resource Management Office (MFCARMO), solely for the purpose of attending to the needs on coastal resource management of Merida, Leyte. The Municipal Fisheries, Coastal, and Aquatic Resource Management Office will be headed by the Municipal Fisheries, Coastal, and Aquatic Resource Management Officer (Municipal Fisheries Officer).

SECTION 57. Office Structure and Functions, duties, and powers of the Municipal Fisheries, Coastal, and Aquatic Resource Management Office.

The Municipal Fisheries, Coastal, and Aquatic Resource Management Office shall have the following functions, duties, and responsibilities:

1. Formulate measures for approval of the Municipal Mayor and the Sangguniang Bayan, as the case may be, in carrying out measures to ensure the delivery of basic services and provide adequate facilities relative to environment and natural resources, particularly on coastal and inland aquatic resources management and fisheries development and services;
2. Develop plans and strategies for approval of the Municipal Mayor and the Sangguniang Bayan, as the case may be, and implement such plans and strategies, particularly those which have to do with coastal and inland aquatic resources management and fisheries development, programs, and projects which the Municipal Mayor is empowered to implement and which the Sangguniang Bayan is empowered to provide;
3. Ensure the maximum assistance and access resources in the sustainable management and use of the environment and natural resources, particularly on coastal, inland aquatic, and fishery resources;
4. Enforce rules and regulations relating to environment and natural resources, particularly on coastal resources, inland aquatic and fisheries management;

5. Coordinate with government agencies and non-governmental organizations which promote sustainable management of the environment and natural resources, particularly on coastal, inland, and fishery resources;

6. Be in the frontline in assisting local government during and in the aftermath of man-made and natural disasters and calamities in aid on the assessment and rehabilitation of the fisheries, coastal, and aquatic resource management;

7. Recommend to the Sangguniang Bayan and advise the Municipal Mayor, as the case may be, on all other matters related to environment and natural resources, particularly on coastal and fisheries resources, which will improve the livelihood and living conditions of the inhabitants; and,

8. Exercise such other powers and perform such other duties and functions as may be prescribed by law and ordinance.

SECTION 58. Staffing Qualifications of the Municipal Fisheries, Coastal, and Aquatic Resource Management Office.

No person shall be appointed as staff of the Municipal Fisheries, Coastal, and Aquatic Resource Management Office unless he/she is a citizen of the Philippines, preferred to be a resident of the Municipality, of good moral character, a holder of a college degree preferably in environment, fishery, forestry, agriculture or any related course from a recognized college or university, and possesses a first grade civil service eligibility or its equivalent. The Municipal Fisheries, Coastal, and Aquatic Resource Management Office staff shall receive a salary equivalent to such salary grade as may be determined by the Civil Service Commission.

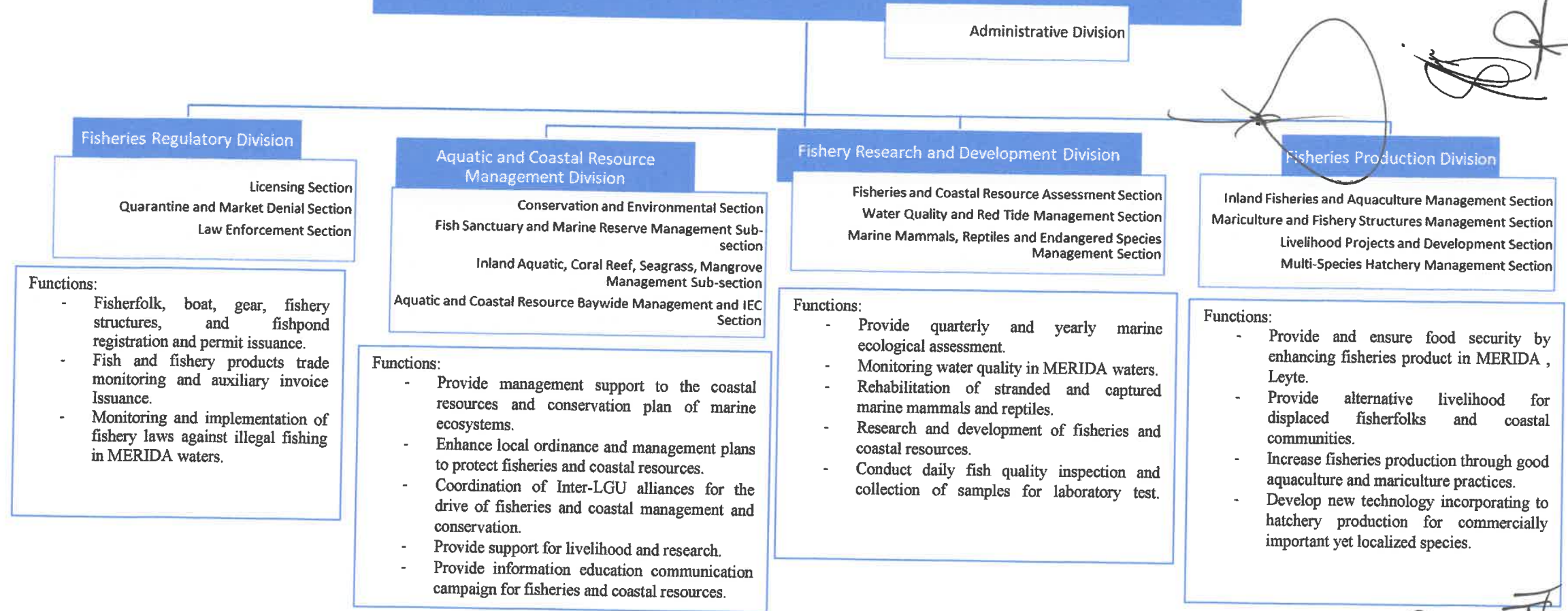
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CITY FISHERIES, COASTAL, AND AQUATIC RESOURCE MANAGEMENT OFFICE



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The following are Items and Position required for the Municipal Fisheries and Aquatic Resource Management Office:

Items/Casual

Qualifications

(1) Municipal Fisheries, Coastal, and Aquatic Resource Management Officer, in short or/and also known as "Municipal Fisheries Officer"

Equivalent to:
 Chief Ecosystems Management Specialist
 Supervising Ecosystems/ Environmental Management Specialist
 Supervising Aquaculturist

- Graduate of BS Fisheries or any related courses;
- At least 5 years relevant experience as an administrative management or any related role;
- Master's degree is an advantage or with units;
- Must have relevant training in administrative management, fisheries, and/or aquaculture; and
- Must be a CSC Professional or equivalent.

(1) Finance and Liaison Officer/Personnel

Equivalent to:
 Admin Aide I, II, III

- Educational background of at least a college level of any course;
- At least 5 years of relevant; and
- Experience in a finance/liaison or in any related role.

(1) Fisheries Law Enforcement Officer/Personnel

Equivalent to:
 Salary Grade 8, 10, 11, 18

- Educational background of at least college/vocational level of any related law enforcement course or equivalent;
- Preferably a BS Fisheries, Criminology/Political Science graduate and/or related fields or experiences and CSC Professional or equivalent;
- At least 3 years of fishery law enforcement experience, preferably 5 years;
- Must have relevant training/s on fishery law enforcement or equivalent; and
- Knowledge on R.A. 10654, 8550, and/or MERIDA Fisheries Ordinance of 2002 is preferred.

(5) Patrol Boat Operators

Equivalent to:
 Admin Aide I, II, III

- Must be a registered fisherfolk;
- At least able to read and write, literate;
- At least 3 years of relevant experience in patrol operations;
- Able to operate, manage and maintain floating assets (patrol boats);
- Familiar in navigation within MERIDA Bay; and
- Preferably can repair, maintain, and operate boat engines.

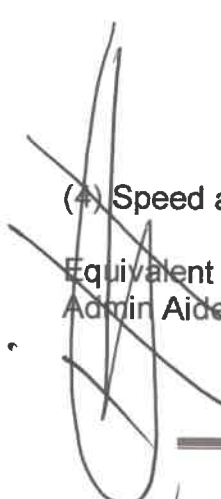
(4) Speed and Dive Boat Operators

Equivalent to:
 Admin Aide I, II, III

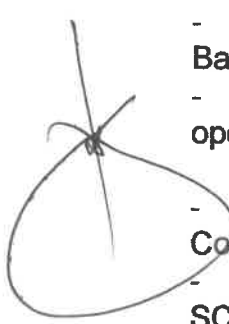
- Educational background of at least College level;
- Preferred Openwater and Advance SCUBA Diver;
- Experienced and operate SCUBA Dive Compressor;














- Must have relevant trainings/seminars on water safety and rescue, speed boat operation and maintenance; and
- Preferably can repair, maintain, and operate boat engines.

(34) Fish Warden/Bantay Dagat

Equivalent to:
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- Must be a registered fisherfolk;
- Must undergo at least 2 months voluntary patrolling;
- Able to go on patrol during day or night operations; and
- At least able to read and write.

(8) Sanctuary Guards

Equivalent to:
Job Order

- Must be a registered fisherfolk;
- Must reside in the assigned barangay sanctuary;
- Able to go on patrol during day or night operations; and
- At least able to read and write.

(1) Registration and Licensing Section Head

Equivalent to:
Admin Aide VI, VIII,
Administrative Assistant V

- Graduate of any College degree, preferably Agriculture, Biology or Fisheries;
- At least 1 year of relevant experience;
- Preferably a CSC Professional or equivalent; and
- Must be computer literate.

(1) Registration and Licensing Staff

Equivalent to:
Admin Aide I, II, III

- Graduate of any College degree, preferably Agriculture, Biology or Fisheries;
- At least 1 year of relevant experience;
- Preferably a CSC Professional or equivalent; and
- Must be computer literate.

(2) Quarantine and Market Denial Section Head

Equivalent to:
Admin Aide VI, VIII,
Administrative Assistant V

- At least vocational/college level;
- At least 4 years of relevant experience;
- Must have relevant fish and other fishery identification knowledge; and
- Able to formulate and submit report.

(6) Quarantine and Market Denial Staff

Equivalent to:
Admin Aide I, II, III

- At least vocational/college level;
- Preferred relevant fish and other fishery identification knowledge; and
- At least 4 years of relevant experience.

(1) Aquatic and Coastal Resource Management Officer

Equivalent to:
Senior Environmental/Ecosystems Management Specialist

- Graduate of BS Biology, Fisheries, Marine Science, Environmental Science, or any related courses;
- Master's degree/level is an advantage;
- At least 5 years of relevant experience in Coastal resource management;
- Must have relevant trainings/seminars in coastal resource management, fisheries law enforcement or any related training/seminar;
- Preferably a CSC Professional or equivalent; and

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- Minimum of an Open Water Diving License, preferably have Advance Diving License.

(2) Inland and Coastal Resource Management Staff

Equivalent to:
Admin Aide I, II, III

- Graduate of BS Biology, Fisheries, Marine Science, Environmental Science, or any related courses;
- At least 1-2 years of relevant experience in Coastal resource management;
- Must have relevant trainings/seminars in coastal resource management, fisheries law enforcement or any related training/seminar;
- Preferably a CSC Professional or equivalent; and
- Minimum of an Open Water Diving License, preferably have Advance Diving License

(1) Conservation and Environmental Section Head

Equivalent to:
Environmental/Ecosystems Management Specialist I

- Graduate of BS Biology, Fisheries, Marine Science, Environmental Science, or any related courses;
- Master's degree/level is an advantage;
- Preferably a CSC Professional or equivalent; and
- At least 3 years of relevant experience in environmental conservation.

(1) Coastal Resource Baywide Management and IEC Section Head

Equivalent to:
Environmental/Ecosystems Management Specialist I

- Graduate of Developmental Communication, BS Biology, Fisheries, Marine Science, Environmental Science or any related field/course;
- At least 2 years of relevant experience;
- Preferably a CSC Professional or equivalent;
- Computer literate, preferably computer mastery;
- Programming and computer software skills is an advantage; and
- Relevant trainings/seminars in IEC, management, computer software is an advantage.

(1) Fishery Research and Development Officer
Senior Environmental/Ecosystems Management Specialist

- Graduate of BS Biology, Marine Science, Fisheries, or any related courses;
- At least 5 years of relevant experience on fisheries research and/or administration;
- Must be a CSC Professional or equivalent;
- Must have relevant trainings/seminars in fishery research, marine mammal stranding response, water safety and rescue or equivalent; and
- Minimum of an Open Water Diving, preferably have an Advanced Diving License.

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(2) Fishery Research and Development Staff

Equivalent to:
Admin Aide I, II, III

- Graduate of BS Biology, Marine Science, Fisheries, or any related courses;
- At least 1-2 years of relevant experience on fisheries research;
- Must be a CSC Professional or equivalent;
- Must have relevant trainings/seminars in fishery research, marine mammal stranding response, water safety and rescue or equivalent; and
- Minimum of an Open Water Diving, preferably have an Advanced Diving License.

(1) Fisheries and Coastal Resource Assessment Section Head

Environmental/Ecosystems Management Specialist I

- Graduate of BS Biology, Marine Science, Fisheries, or any related field/course;
- At least 2 years of relevant experience on fisheries research and development;
- Must have a CSC Level II eligibility;
- Must have relevant trainings/seminars on fishery research, marine mammal stranding response, water safety and rescue or any related; and
- Must have an Open Water Diving License.

(1) Water Quality and Red Tide Management Section Head

Environmental/Ecosystems Management Specialist I

- Graduate of any science related course/degree, preferably BS Chemistry, Chemical Technology, Microbiology, or any related courses;
- At least 2 year of relevant experience on laboratory management;
- Board passer on Chemical technician or equivalent is an advantage; and
- Relevant trainings/seminars on laboratory technology is an advantage.

(1) Marine Mammals, Reptiles and Endangered Species Section Head

Environmental/Ecosystems Management Specialist I

- Graduate of Doctor of Veterinary Medicine, BS Animal Science, Zoology, or any related courses;
- At least 1 year of relevant experience;
- Relevant training on marine mammal stranding response and fish examiner is an advantage;
- Knowledge on marine mammals, reptiles and endangered species is a must; and
- Preferably an Open Water Diver.

Fisheries Production Officer

Aquaculturist II
Senior Aquaculturist

- Graduate of BS Fisheries or any related aquaculture courses;
- At least 5 years of relevant experience on aquaculture practices and management;
- Preferably a CSC Professional or equivalent; and
- Must have relevant trainings/seminars on aquaculture or fisheries management.

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(7) Fisheries Production Staff

Equivalent to:
Admin Aide I, II, III

- Preferred graduate of BS Fisheries or any related courses;
- At least 1-2 years of relevant experience on aquaculture or mariculture; and
- Must have relevant trainings/seminars on aquaculture or inland fisheries management.

(1) Inland Fisheries and Aquaculture Management Section Head

Equivalent to:
Aquaculturist II

- Graduate of BS Fisheries or any related courses;
- At least 3 years of relevant experience;
- Preferably a CSC Professional or equivalent; and
- Must have relevant trainings/seminars on aquaculture or inland fisheries management.

(1) Mariculture and Fishery Structures Management Section Head

Aquaculturist II

- Graduate of BS Fisheries or any related courses/field;
- At least 3 years of relevant experience;
- Preferably a CSC Professional or equivalent; and
- Must have relevant trainings/seminar on aquaculture, fisheries management, or coastal resource management.

(4) Mariculture and Fishery Structures Management Staff

Equivalent to:
Admin Aide I, II, III

- Preferred graduate of BS Fisheries or any related courses;
- At least 1-2 years of relevant experience on aquaculture or mariculture; and
- Must have relevant trainings/seminars on aquaculture or inland fisheries management.

(1) Livelihood Projects and Development Staff

Equivalent to:
Admin Aide I, II, III

- Graduate of Fisheries or any related fields/courses;
- At least 3 years of relevant experience in fisheries livelihood programs;
- Preferably a CSC Professional or equivalent; and
- Must have relevant trainings/seminars on fisheries livelihood programs/projects.

(1) Multi-Species Hatchery Management Section Head

Aquaculturist II

- Graduate of BS Fisheries or any related field/courses;
- At least 3 years of relevant experience in aquaculture;
- Preferably a CSC Professional or equivalent; and
- Must have relevant trainings/seminars on aquaculture.

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Article X

FISHERIES AND AQUATIC RESOURCES MANAGEMENT COUNCIL (FARMC)

SECTION 59. Creation of Municipality FARMC.

Pursuant to RA 10654, a Municipality FARMC is hereby established in this Municipality of Merida. The Municipal Government shall provide assistance to the Municipality FARMC.

SECTION 60. Composition of Municipality FARMC.

The regular members of the Municipality FARMC shall be composed of the following:

- a. Municipality Planning and Development Officer (MPDO);
- b. Chairperson of the Sangguniang Bayan Committee on Agriculture/Fisheries;
- c. Representative of the Municipality Development Council;
- d. Municipal Environment and Natural Resources Officer (MENRO);
- e. Representative from the accredited non-governmental organizations;
- f. Representative from the private sector;
- j. Representative from the MAO;
- k. All coastal barangay BFARMC chairpersons; and,
- l. At least eleven (11) fisher representatives, (seven (7) municipal fishers, one (1) fish worker and three (3) commercial fishers in the municipality which include representatives from youth and women sector).

The Municipal FARMC shall adopt rules and regulations necessary to govern its proceedings and election.

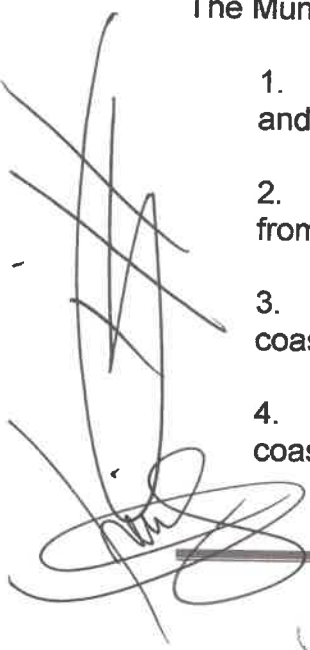
SECTION 61. Powers and functions of the Municipal FARMC.

The Municipal FARMC shall have the following powers and functions:

1. To ensure the utilization of Trust Liability by means of prioritizing plans and programs relative to the objectives of this Ordinance;
2. To formulate guidelines regarding the utilization of Trust Liability derived from the implementation of this Ordinance;
3. To assist the Municipal Government in the implementation of programs on coastal and fishery resources management;
4. To assist the Municipal Government in the monitoring and evaluation of coastal and fishery resources management programs;



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5. To advise the Municipal Government in the arbitration of disputes over fishery rights and sharing contracts;
6. To assist the Municipal Government in the conduct of public hearings and community consultations, in aid of the formulation of plans, policies and proposed ordinances and regulations;
7. To coordinate with law enforcement agencies in the enforcement of fishery and environment laws, ordinances, rules and regulations;
8. To assist the Municipal Government in the promotion of comprehensive rehabilitation and conservation of municipal fishing grounds and coastal and fishery resources;
9. To assist the Municipal Government in the promotion of ancillary economic activities, including cooperative marketing and socio-economic services;
10. To maintain an updated registry of municipal fishers; and
11. To perform such other functions the Municipal Mayor, the Municipality Development Council and the Sangguniang Bayan may delegate, as provided by ordinance or resolution.

Article XI

SECTION 62. Creation of Local Fishery Law Enforcement Team

Creation of the local Fishery Law Enforcement Team (FLET) of this Municipality is hereby organized to be composed of members of the law enforcement agencies, such as, PNP-MARITIME, PCG, PNP Local Command and members Municipal Fisheries Regulatory Division, and representative of the CFARMC. They shall be responsible for the enforcement of this ordinance and other fishery laws applicable in the municipal waters of Merida, Leyte. Provided that the FLET members shall undergo proper orientation concerning fishery law enforcement.

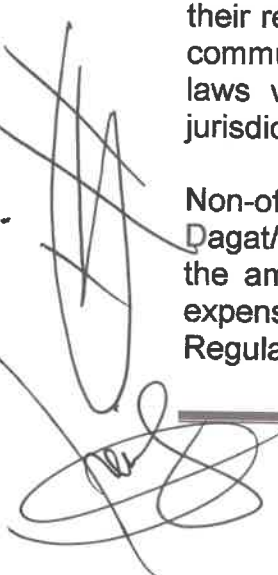
SECTION 63. Creation of Municipality Bantay Dagat/Bay Watch Organization

A Municipality Bantay Dagat/Bay Watch Organization is hereby created in support to the functions of the Municipal Fishery Law Enforcement Team (MFLET) composed of all duly elected Barangay Captains of all coastal and all riverside barangays and other barangay officials and officers of fishermen cooperative/s organization who had undergone proper orientation concerning fishery laws and being deputized by the Local Chief Executive. They shall conduct surveillance and monitor illegal fishing activities in their respective barangays and relay such information to the MFLET thru any means of communication available for the purpose. They are also empowered to enforce fishery laws when violation was committed in their presence at their respective area of jurisdiction.

Non-official of the barangay or Municipality who are members of the Municipal Bantay Dagat/Bay Watch Organization shall be given incentive/honorarium and insurance on the amount prescribed by the Municipal Fisheries Regulatory Division and travelling expenses and allowances in subject to existing Accounting and Auditing rules and Regulations with the Commission on Audit.


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Article XII

PROHIBITED ACTS AND PENALTIES

All relevant national laws, orders, rules, and regulations shall be implemented in this .

SECTION 64. Unauthorized Fishing: – It shall be unlawful for any person to capture or gather or to cause the capture or gathering of fish, fry or fingerlings of any fishery species or fishery products without license or permit from the Municipality of Merida.

A. It shall also be unlawful for any commercial fishing vessel to fish in municipal waters; and

B. The discovery of any person in possession of a fishing gear or operating a fishing vessel in a fishing area where he has no license or permit shall constitute a prima facie presumption that the person is engaged in unauthorized fishing;

SECTION 65. Engaging in Unauthorized Fisheries Activities: – It shall be unlawful for any person to exploit, occupy, produce, breed or culture fish, fry or fingerlings of any fishery species or fishery products or construct and operate fish corrals, fish traps, fish pens and fish cages or fishponds without a license, lease, or permit.

A. The discovery of any person engaging in any of the above activities without a lease, license or permit shall constitute a prima facie presumption that the person is engaged in unauthorized fisheries activity.

SECTION 66. Unreported Fishing. – It shall be unlawful for any person to engage in unreported fishing or to fail to comply with the reportorial requirements. Violation of Section 39; "d".

SECTION 67. Fishing Through Explosives, Noxious or Poisonous Substance, or Electricity: – (a) It shall be unlawful for any person to catch, take or gather or cause to be caught, taken or gathered fish or any fishery species in Philippine waters with the use of explosives, noxious or poisonous substance such as sodium cyanide, which will kill, stupefy, disable or render unconscious fish or fishery species:

A. Provided, that the Department of Agriculture through the Bureau of Fisheries and Aquatic Resources, subject to such safeguards and conditions deemed necessary and with the endorsement from the Merida Fisheries, Coastal, and Aquatic Resources and Management Office, may allow, for research, educational or scientific purposes only, the use of poisonous or noxious substances to catch, take or gather fish or fishery species;

B. Provided, further, That the use of poisonous or noxious substances to eradicate predators and pests in fishponds in accordance with accepted scientific practices and without causing adverse environmental impact in neighboring waters and grounds shall not be construed as illegal fishing;

C. The discovery of dynamite, other explosives and chemical compounds which contain combustible elements, or noxious or poisonous substances, or equipment or device for electrofishing in any fishing vessel or in the possession of any fisherfolk, operator, fishing boat official or fishworker shall constitute a prima facie presumption that any of these devices was used for fishing in violation of this Ordinance; and,

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D. The discovery in any fishing vessel of fish caught or killed with the use of explosives, noxious or poisonous substances, or by electricity shall constitute a prima facie presumption that the fisherfolk, operator, boat official or fishworker is fishing with the use thereof.

SECTION 68. Use of Fine Mesh Net. – It shall be unlawful to engage in fishing using nets with mesh smaller than that which may be determined by the Municipal Fisheries, Coastal, and Aquatic Resources and Management Office;

A. Provided, That the prohibition on the use of fine mesh net shall not apply to the gathering of fry, glass eels, elvers, tabios, and alamang and other species that by their nature are small but already mature, as identified in the implementing rules and regulations by the Department of Agriculture through the Bureau of Fisheries and Aquatic Resources; and,

B. The discovery of a fine mesh net in a fishing vessel shall constitute a prima facie presumption that the person or fishing vessel is engaged in fishing with the use of fine mesh net.

SECTION 69. Fishing in Overexploited Fishery Management Areas. – It shall be unlawful for any person to fish in fishery management areas declared as overexploited.

SECTION 70. Use of Active Gear in Municipal Waters, Bays and Other Fishery Management Areas. – It shall be unlawful to engage in fishing in municipal waters and in all bays as well as other fishery management areas using active fishing gears as defined in this Ordinance.

Exceptions. –The following gears are not covered by the prohibition:

1. Gill nets, other than bottom-set gill nets, not more than 500 meters in length per boat used by registered municipal fisherfolk, which shall be regulated by the Municipal Fisheries, Coastal, and Aquatic Resources and Management Office; and,

2. Scoop net used to catch *Acetes* sp. "alamang" and *Stolephorus* sp. "bolinao," which is operated by a registered municipal fisherfolk/fisherfolk cooperative/association, manually and during approved fishing season for the species, and covered by a management plan duly approved by the the Municipal Fisheries, Coastal, and Aquatic Resources and Management Office;

SECTION 71. Ban on Coral Exploitation and Exportation. – It shall be unlawful for any person or corporation to gather, possess, commercially transport, sell or export ordinary, semi-precious and precious corals, whether raw or in processed form, except for scientific or research purposes. It shall also be unlawful for any person, corporation, or entity to commit any activity that damage coral reefs.

A. The offender shall also pay compensation for the restoration of the damaged corals reefs based on available studies and as determined by the Municipality as recommended by lined institution and government agencies such as the Department of Environment and Natural Resources and/or the Department of Agriculture through the Bureau of Fisheries and Aquatic Resources.

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SECTION 72. Ban on Muro-ami, Other Methods and Gear Destructive to Coral Reefs and Other Marine Habitat. – It shall be unlawful for any person, natural or juridical, to fish with gear or method that destroys coral reefs, seagrass beds, and other fishery marine life habitat as may be determined by the Department of Agriculture through the Bureau of Fisheries and Aquatic Resources. 'Muro-ami' and any of its variation, and such similar gears and methods that require diving, other physical or mechanical acts to pound the coral reefs and other habitat to entrap, gather or catch fish and other fishery species are also prohibited.

A. Determination of Other Destructive Methods and Gears. – The following fishing gears/methods and their variations are considered destructive to coral reefs, seagrass, seabeds, and other fishery marine life habitat:

- a. Muro-ami and Kayakas;
- b. Danish Seine and modified Danish Seine; and,

B. Scientific Studies. – Municipal Fisheries, Coastal, and Aquatic Resources and Management Office with Department of Agriculture through the Bureau of Fisheries and Aquatic Resources may identify other fishing gears/methods as destructive based on scientific studies and information (based on reportorial requirements).

SECTION 73. Illegal Use of Superlights or Fishing Light Attractor. – It shall be unlawful to engage in fishing with the use of superlight in municipal waters, or to fish with fishing light attractor using candlelight power or intensity beyond the standards set by the Municipality in consultation with the with Department of Agriculture through the Bureau of Fisheries and Aquatic Resources for fishing in municipal waters.

A. The Municipality shall set guidelines regulating the maximum lumens and wattage allowed for fishing based on the Fisheries Administrative Order No. 262 series of 2018 or as recommended by other institution and government agencies.

SECTION 74. Conversion of Mangroves. – It shall be unlawful for any person to convert mangroves into fishponds or for any other purpose. Upon a summary finding of administrative liability, the offender shall be penalized with a fine equivalent to the ecological value of a hectare of mangrove based on available studies in coordination with DENR and DA-BFAR. Provided, that if the area requires rehabilitation or restoration as determined by the Municipality, the offender shall also be required to restore or pay for the restoration of the damaged area.

SECTION 75. Fishing During Closed Season. – It shall be unlawful to fish during closed season.

- A. Section 23. 2 for Bunsod and Basnig; and,
- B. Section 18. E for Anchovies (Bolinao).

SECTION 76. Fishing in Marine Protected Areas, Fishery Reserves, Refuge and Sanctuaries. – It shall be unlawful to fish in marine protected areas, fishery reserves, refuge, or fish sanctuaries as declared by the Municipality and other government agencies.

SECTION 77. Fishing or Taking of Rare, Threatened or Endangered Species. –

A. It shall be unlawful to fish or take, catch, gather, sell, purchase, possess, transport, export, forward or ship out aquatic species listed in Appendix I of the Convention on the International Trade in Endangered Species of Wild Flora and Fauna (CITES), or those categorized by the International Union for Conservation of Nature and Natural Resources (IUCN) as threatened and determined by the Municipality and other government agencies and offices as such.

B. It shall be unlawful to fish, take, catch, gather, sell, purchase, possess, transport, export, forward or ship out aquatic species listed in CITES Appendices II and III if scientific assessments show that population of the species in the wild cannot remain viable under pressure of collection and trade: Provided, That the taking or fishing of these species from the wild for scientific research, or conservation breeding simultaneous with commercial breeding may be allowed.

C. It shall be unlawful to gather, take, possess, transport, or export, forward or ship out captive-bred species that have been transplanted to the wild.

D. It shall be unlawful to gather, take possess, transport, or export, forward or ship out all species of sharks (iho), rays (pagi), and chimaera (bakulaw), marine mammals, marine reptiles, and sea horses.

SECTION 78. Capture of Sabalo and Other Breeders/Spawners. – It shall be unlawful for any person to catch, gather, capture or possess mature milkfish or sabalo and other breeders or spawners of other fishery species as may be determined by the Municipality: Provided, that catching of sabalo and other breeders/spawners for local breeding purposes or scientific or research purposes may be allowed subject to guidelines that shall be promulgated by the Municipality.

SECTION 79. Exportation of Breeders, Spawners, Eggs or Fry.

A. Exportation o

B. f breeders, spawners, eggs, or fry as prohibited in this Code shall be punished under this Ordinance: Provided, That the export of hatchery-bred or captive-bred breeder, spawner, egg or fry, may be allowed subject to the regulations to be promulgated by the Municipality.

C. Failure on the part of the shipping or forwarding company from whose possession the breeders, spawners, eggs, or fry are discovered or seized to fully cooperate in the investigation conducted by concerned government authorities on the matter shall create a presumption that there is connivance or conspiracy between the company and the shipper to violate the provisions of this section.

1. **Prohibited Eggs and Fry. –** The eggs and fry, prohibited for exportation under this section, shall refer to viable or live eggs or fry, intended for breeding, propagation or culture purposes.

2. **Exportation of Hatchery-Bred or Captive-Bred Spawner, Egg or Fry. –** The DA-BFAR may allow the exportation of hatchery-bred or captive-bred spawner, egg or fry: provided, that the exporter shall comply with the following requirements:

- a. Registration of the hatchery or captive breeding facility;
- b. Registration of exporter with DA-BFAR;
- c. Issuance of health certificate as may be required by the importing country;
- d. Issuance of export commodity clearance; and

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- e. Clearance of the outgoing commodity at the border inspection.
3. **Full Cooperation of Shipping or Forwarding Company.** – A shipping or forwarding company, in whose possession the breeders, spawners, eggs, or fry are discovered or seized, shall be considered as fully cooperating in the investigation if, upon five (5) days from receipt of a notice to appear.

SECTION 80. Importation or Exportation of Fish or Fishery Species. –

- A. Any importation or exportation of fish or fishery species in violation of this Ordinance shall be unlawful.
- B. Failure on the part of the shipping or forwarding company from whose possession the fish or fishery species imported or exported are discovered or seized to fully cooperate in the investigation conducted by concerned government authorities shall create a presumption that there is connivance or conspiracy between the shipping company and the shipper to perpetrate the aforementioned offense.

SECTION 81. Violation of Harvest Control Rules. – It shall be unlawful for any person to fish in violation of harvest control rules as determined by the Office.

SECTION 82. Aquatic Pollution. – Aquatic pollution, as defined in this Ordinance, shall be unlawful.

- A. All Coastal Barangays in Merida will be liable to the cleanliness of their coastal and shoreline areas. The Barangay Council shall set and initiate a cleanup drive or other solid waste management program in coordination to the Municipal Fisheries, Coastal, and Aquatic Resource Management Office and the MENRO.

SECTION 83. Failure to Submit a Yearly Report on All Fishponds, Fish Pens and Fish Cages. – It shall be unlawful for owners and operators of fishponds, fishpens, and fish cages to fail to submit an annual report to the Municipality.

SECTION 84. Gathering and Marketing of Shell Fishes or Other Aquatic Species.–

A. It shall be unlawful for any person to gather, take, sell, transfer, possess, commercially transport, export, forward or ship out any sexually mature shellfish or other aquatic species identified by the Municipality, or below the minimum size, or above the maximum quantities prescribed for the species. Other parameters for the protection of heavily traded aquatic species may be promulgated by the Municipality.

B. It shall be unlawful to gather, take, sell, transfer, possess, commercially transport, export, forward, or ship out all species of berried (bihuran) crabs (lambay, alimango, kempi, etc).

C. It shall be unlawful to gather, take, sell, transfer, possess, commercially transport, export, forward, or ship out any blue swimming crab (lambay) and mudcrab/mangrove crab (alimango) below four (4) inches or ten and one tenth (10.1) cm in carapace size.

D. It shall be unlawful to gather, take, sell, transfer, possess, commercially transport, export, forward, or ship out all species of shellfish during red tide events based on the locality of area affected as advised and listed in the Local Shellfish Advisory and/or Shellfish Bulletin from the Department of Agriculture through the Bureau of Fisheries and Aquatic Resources.

SECTION 85. Obstruction to Navigation or Flow or Ebb of Tide in any Stream, River, Lake or Bay. – It shall be unlawful for any person to cause obstruction to navigation or flow or ebb of tide.

SECTION 86. Non-Compliance with Good Aquaculture Practices. – as prescribed by the Fisheries Administrative Order No. 214, Series of 2001: Code of Practice for Aquaculture:

- A. Fishery operations involving the breeding and farming of fish and other fishery species shall comply with good aquaculture practices and the guidelines for environmentally-sound design and operation for the sustainable development of the aquaculture industry which shall be promulgated by the Municipality.
- B. Non-Compliance with Good Aquaculture Practices. – For purposes of this section, non-compliance with good aquaculture practice and environmentally-sound design shall refer to violations of standards, which, after failure of the owner or operator to comply thereto and to adopt the required remedial measures, despite prior written notice of such violations, result into any of the following situations:
 - 1. 50% mortality of the cultured fish stocks of an aquaculture zone comprised of several contiguous farms owned by different individuals;
 - 2. Poisoning of wild fish population;
 - 3. Widespread contamination of pests and diseases; or
 - 4. Aquatic pollution as defined under this Code.

SECTION 87. Obstruction of Defined Migration Paths. – It shall be unlawful for any person to obstruct any defined migration path of anadromous, catadromous and other migratory species.

A. This Section covers all migratory passages of anadromous and catadromous species as provided in FAO No. 217, Series of 2001, and other migratory passages that may later on be declared or identified by the Municipal Government of Merida or other aligned institution and government agencies.

SECTION 88. Obstruction and Harassment to Fishery Law Enforcement Officer. –

A. The fisherfolk, fishing boat owner, fishing vessel owner, master or operator or any other person acting on behalf of any fishing boat and vessel, fisheries related operation (fishpond, fish cage, other fishery structure) and other personnel involved in fishing or other fishing activities related who assaults, resists, intimidates, harasses, seriously interferes with, or unduly obstructs or delays a fishery law enforcement officer, authorized inspector or observer, the deputized fish warden of the Municipality, or any lawfully-boarding government officers, in the exercise of their duties shall be penalized under this Ordinance. Any person who does not allow any authorized officer or an observer to exercise any of the legal duties shall be deemed to be obstructing and harassing that officer or person; and,

B. Authorization. – For purposes of this Section a fishery law enforcement officer, authorized inspector or observer, a deputized fish warden of Merida, Leyte, or any lawfully-boarding government officers, shall only refer to properly appointed and authorized officer by competent authorities, properly identified as an officer by wearing the proper uniform and/or by possessing an identification card indicating his

appointment and authorization. In addition, the law enforcement officer should observe the proper boarding and inspection procedures as provided in the approved manual of operations.

SECTION 89. Non-Compliance with Fisheries Observer Coverage –

A. It shall be unlawful for Philippine distant water fishing vessel to sail without a fisheries observer on board as required by RFMO conservation and management measures; and,

B. It shall be unlawful for commercial fishing vessels to sail without a fisheries observer in compliance with this Code and the rules and regulations promulgated by the Municipality.

SECTION 90. Non-Compliance with the Requirements for the Introduction of Foreign or Exotic Aquatic Species. – It shall be unlawful to import, introduce, or breed, foreign or exotic aquatic species without the conduct of risk analysis and prior approval of the Municipality.

A. **Regulations.** – The importation, introduction to the wild, or breeding of foreign or exotic aquatic species or genetically modified aquatic species, their by-products and derivatives, shall be governed by the provisions of Republic Act No. 9147 or the Wildlife Act, FAO No. 221, Series of 2003, and Executive Order No. 514, Series of 2006; and,

B. **Risk analysis.** – The Department of Agriculture through the Bureau of Fisheries and Aquatic Resources shall review and revise existing protocols on risk analysis on the importation, introduction and breeding of foreign or exotic aquatic species in relation to this Ordinance.

SECTION 91. Failure to Comply with Standards and Trade-Related Measures. – It shall be unlawful for any person to fail to comply with standards for weights, volume, quality, and other requirements for all fishery transaction.

SECTION 92. Obstruction of Defined Migration Paths. –

A. It shall be unlawful for any person to obstruct any defined migration path of anadromous, catadromous and other migratory species; and

B. This Section covers all migratory passages of anadromous and catadromous species as provided in Fisheries Administrative Order No. 217, Series of 2001, and other migratory passages that may later on be declared or identified.

SECTION 93. Falsifying, Concealing or Tampering with Vessel Markings, Identity or Registration. – It shall be unlawful for any person to falsify, conceal fishing boat and/or vessel identity or lack of registration or tamper with the boat and/or vessel markings, identity, or registration.

SECTION 94. Concealing, Tampering or Disposing of Evidence Relating to an Investigation of a Violation. – It shall be unlawful for any person to conceal, tamper or dispose evidence relating to an investigation of a violation.

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SECTION 95. Possessing, Dealing in or Disposing Illegally Caught or Taken Fish.

A. It shall be unlawful to ship, commercially transport, offer for sale, sell, import, export, or have custody, control, or possession of, or to deal in or in any manner dispose of any fish or species caught, taken or retained in violation of this Ordinance; and,

B. The discovery of any fish or species caught with the use of explosives or noxious or poisonous substances shall constitute a prima facie presumption that the possessor, seller, fish dealer, transporter, importer, or exporter thereof has knowledge that the fish or species was caught or taken in violation of this Ordinance.

SECTION 96. Other prohibitions.

It shall be unlawful for any person, entities, organization or corporations to engage in the following fishing activities:

1. Use of compressor in fishing except SCUBA diving gear utilized by a duly licensed diver;
2. Possession and use of trammel/double/triple net for fishing;
3. Use of paarak method in fishing;
4. Gathering, selling and possession of marine reef fishes and other species without permit from the Municipality as prescribed by the Fisheries Administrative Order no. 233 (Aquatic Wildlife Conservation) ;
5. The use of "skylab" fishing methods is prohibited to be used in catching other fish species other than Bolinao and small but mature species;
6. Possession or use of tuktok for fishing;
7. Use of any lighting (especially LED) with colored water cellophane in public market;
8. Use of Laundry Bluing Powder (Aniel)/Dye, formalin, and other chemical based additive to make the fish look fresh;
9. Gathering or catching of Freshwater eel during spawning season identified through scientific data or information (reportorial requirements) using Ansag/Bamboo trap;
10. Unregistered payaws and pots/traps (fish/squid/crap); both nearshore and offshore;
11. Possession or use of Palaran Fishing Net (PAMO) or any modified nets used as active gears inside municipal waters. Drifting with assisted by human support or any fishing vessel is still considered as active fishing and prohibited by law.
12. Tidal set net or modified fish corrals along rivers are considered illegal due to obstruction to navigation and flow of river.

SECTION 97. Violation Penalty – Violation of this ordinance and listed under Article XII shall hold the offender liable of the following:

A. Violators shall be penalized with confiscation of catch and gear. A fine of Five Hundred Pesos (P500.00) to Two Thousand Five Hundred Pesos (P2, 500.00) per violation and per person and/or an imprisonment of six (6) months, or both fine and imprisonment shall be imposed at the discretion of the court. Provided, that if the offender fails to pay the fine, community service shall be rendered. Seized gear,

paraphernalia and other items used in the commission of the prohibited acts shall be forfeited in favor of the Municipal Government of Merida. Fishing boats and fishing vessels and other items involved in multiple offense committed by the same violator shall be seized also and be forfeited in favor of the Municipal Government of Merida ;

B. Where the violator of this Ordinance does not contest his/her apprehension, he may elect to pay administrative fine of two thousand five hundred pesos (Php2, 500) per violation. The enforcement officer shall forthwith issue citation ticket to the person apprehended without resort to the Court. The citation ticket shall state or contain (a) the name, signature, age and address of the person apprehended, (b) the material facts obtaining in the commission or omission of the crime defined and penalized under this Ordinance, (c) the amount of fine which is payable in favor of the Municipal Government of Merida and (d) notice requiring the person apprehended for extrajudicial settlement of his/her violation by paying the prescribed amount of fine at the Office of the Municipal Treasurer within seventy-two(72)hours from issuance thereof, otherwise, appropriate complaint shall be filed against him/her before the court of law;

C. Forfeiture of seized fishing vessels, fishing gear, and paraphernalia, and other items used in the commission of the prohibited acts shall likewise be imposed in favor of the Municipal Government of Merida ; and,

D. Proceeds from the administrative fines shall be allocated as follows:

1. Municipal Government	-	40%
2. Apprehending Officer/s	-	50%
3. Informant	-	10%

Section 98. Community Service – In case the offender is a municipal fisherfolk or has no property, the offender may elect community service in lieu of the fine. The Municipal Government shall promulgate the rules and regulations for this purpose, taking into account that the service should be rendered in accordance with the needs of the community where the offense is committed and computed based on the fine and the prevailing minimum wage in the community, among others.

1. **Application.** – The Adjudication Committee shall promulgate the rules regarding community service in lieu of the fines and penalties prescribed for the offenses.

2. **Types of Community Service.** In imposing the alternative penalty of community service, the adjudication committee shall prioritize those types of community service that relate to fishery or fishery resource management and conservation.

3. **Examples of Community Service.** Community services may include:

- Planting of mangroves in mangrove areas or approved location based on the zonations of mangrove species;
- Rendering services for a certain period to a community-managed mangrove nursery, marine finfish hatchery or community fish landing center;
- Participating in or undertaking a coastal and ocean clean-up operation;
- Organizing other activities that will redound to the benefit of the community where the violation was committed;
- Collection of garbage from the Trash Trap; and/or,

- f. Performance of other services/activities that the board may deem proper that will have a positive impact to the community where the violation was committed.

Article XIII

Administrative Adjudication

Section 99. Administrative Adjudication power of local government units.

Under the Local Government Code of 1991 (RA No. 7160), local government units are given the power to impose "appropriate penalties" for acts which endanger the environment under sections 447(1)(vi) and 458(1)(vi). Such power includes the power to impose fines and civil penalties. Hence, an Administrative Adjudication Body is hereby created to carry out this administrative adjudication power. An executive issuance will be issued for this purpose.

Section 100. Composition of the Administrative Adjudication Body.

The administrative adjudication body will consist of the following:

1. MLGOO;
 2. Municipality Administrator/MFCARMO/Municipal Legal;
 3. Municipal PNP CHIEF;
 4. Fisherfolk Organization/Cooperative or MFARMC representative; and,
 5. Representative from the academe or non-government organization;
- (Composition may still be changed based on the situation of the municipality; provided the number of composition shall still be at least 5 members for tie-breaker in case of voting)

Section 101. Duties, Powers and Functions of the Administrative Adjudication Body.

1. Conduct hearings for fishery violation within the Municipal waters of MERIDA for purposes of imposing administrative sanctions;
2. Decide on administrative cases within 15 days from the date of filing of the case;
3. Renders summary judgment in case of non- appearance of offender/s and the immediate filing of criminal case before the regular court;
4. Orders impoundment of vessel and/or gears pending resolution of the case;
5. Recommends to the Municipality Mayor the imposition of other indemnities;
6. Such other powers that will help in the early disposition of cases for violation of the MFCARM ordinance.

Section 102. Administrative Adjudication Process.

The Administrative Adjudication Board, upon approval of this ordinance shall issue its own rules governing the cases filed before it in violation of this ordinance.

Section 103. Incentive to the Members of the Board and Secretariat.

Members of the Administrative Adjudication Board and its Secretariat shall be entitled to an incentive for every hearing conducted. Funding support will come from the administrative fines imposed for violations of this Ordinance.

Article XIV

GENERAL PROVISIONS

SECTION 104. Person and deputies authorized to enforce this ordinance.

The Philippine National Police (PNP) duly deputized by the Municipal Government together with the deputized Fish wardens, the Municipality Mayor, Municipal Fisheries Officer, Fisher Law Enforcement Section, Municipality FARMC, Barangay Chairman and other officials of the Sangguniang Barangay shall take the lead in the implementation and enforcement of this Ordinance. An Executive Order shall be issued certifying on the deputization of these deputies. Other competent local government officials and employees and members of the fisherfolk organizations who have undergone training on law enforcement may be designated thru memorandum order by the Municipality Mayor as deputy fish wardens in the enforcement of this Ordinance, fishery laws, rules and regulations.

SECTION 105. Mandatory review.

The Sangguniang Bayan shall undertake the mandatory review of this Ordinance at least once every three (3) years and as often as it may deem necessary, to ensure that coastal and fisheries policies and guidelines remain responsive to the changing circumstances.

ARTICLE XV

FINAL PROVISIONS

SECTION 106. Appropriation.

The sum necessary to effectively carry out the provisions of this Ordinance during the first year of its implementation shall be allocated from the supplemental budget with an initial amount of one million pesos (P1,000,000.00) and will be accrued to the Municipal Fisheries, Coastal, and Aquatic Resource Management Office. The budget for subsequent years will be prioritized and shall be incorporated in the annual budget and should not be less than the amount of the preceding year's appropriation.

SECTION 107. Repealing clause

All ordinances, executive orders, rules and regulations or parts thereof which are inconsistent with this Ordinance are hereby repealed and/or modified accordingly.

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SECTION 108. Separability clause

If, for any reason, any part or provision 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 in effect.

SECTION 109. Effectivity Clause

This Ordinance shall take effect ten (10) days after a copy thereof is posted on bulletin board at the entrance and in at least two (2) other conspicuous places of the municipal building and the ordinance has been published for three consecutive issues in a newspaper of local circulation in the municipality/province in compliance with the mandate of the pertinent provision of Republic Act No. 7160, otherwise known as the Local Government Code of 1991.


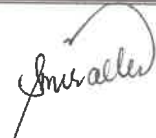



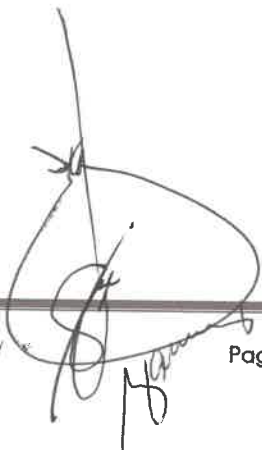



ENACTED BY THE SANGGUNIANG BAYAN (18th Council) of Merida, Leyte, on the 20th day of February 2023.

APPROVED UNANIMOUSLY.


I hereby certify to the veracity of the foregoing ordinance.


JOSELITO T. DELOS ANGELES
Secretary to the Sangguniang Bayan



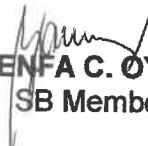
SANGGUNIANG BAYAN MEMBERS


JOEL A. MARSON
SB Member


JESUS ANTONIO R. MARTINEZ
SB Member


CHENIL C. CALDERON
SB Member / Assistant Floor
Leader


STEPHANIE M. MIRALLES
SB Member


NENFA C. OYAO
SB Member


EMARITO A. LUZARES
SB Member
Majority Floor Leader



CAMILO L. DEJON
SB Member


FELIPE H. PEREZ, JR.
SB Member


AMELITA R. GALAM
Ex-Officio (LnB President)


RALPH STEEVE M. MIRALLES
Ex-Officio (Mun. Sk. Fed. President)

ATTESTED BY:


RODRIGO M. WENCESLAO
Municipal Vice Mayor/Presiding Officer

APPROVED BY:


ENGR. ROLANDO M. VILLASENICO
Municipal Mayor



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MERIDA

OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that **MUNICIPAL ORDINANCE NO. 04, SERIES OF 2023 – “AN ORDINANCE INTEGRATING AND HARMONIZING ALL PERTINENT ORDINANCE RELATING TO FISHERIES AND PROTECTION OF THE MUNICIPAL WATERS AND COASTAL RESOURCES OF MERIDA AND FOR OTHER PURPOSES, OTHERWISE KNOWN AS “MERIDA MUNICIPAL FISHERIES ORDINANCE OF 2023”** had been posted in three (3) conspicuous places in the locality within three (3) consecutive weeks from MARCH 20, 2023 to APRIL 10, 2023.

THIS CERTIFICATION has been issued in compliance to Section 511 (1), Title One, book IV of RA 7160, otherwise known as the Local Government Code of 1991.

DONE AND ISSUED this 25TH day of April 2023 at Merida, Leyte, Philippines.


JOSELITO T. DE LOS ANGELES
Secretary to the Sangguniang Bayan