

Item No.: 16
Date: 05 2024 AUG



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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PROVINCIAL LEGAL OFFICE

J. Acos
7.26.24

2nd INDORSEMENT

July 18, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 1 Series of 2024 of Sangguniang Bayan of Matalom, Leyte.

Issues/concerns for review/recommendation/legal opinion is/are as follows:

- Ordinance No. 01 Series of 2024 entitled: **An “Ordinance Integrating and Harmonizing All Pertinent Ordinances Relating to Fisheries and Protection of the Municipal Waters and Coastal Resources of Matalom, Leyte and for other Purposes” Otherwise Known as the Coastal Resource Management Code of Matalom, Leyte.**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is within the powers of the Local Government Unit particularly covered under Section 16¹- General Welfare Clause of the Local Government Code of 1991 (R.A7160). Likewise as mandated under Section 16, Article II² of the Constitution and in consonance to the mandate of R.A 8550 as amended by R.A 10654 that 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. Hence, recommending the declaration of its validity

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts.

ATTY. JOSE RAYMUND A. ACOL

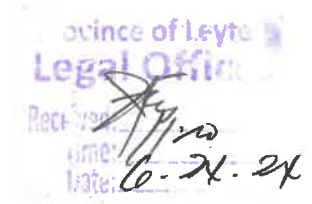
Asst. Provincial Legal Officer

¹ Section 16- General Welfare Clause- xxxxxx Within their respective territorial jurisdictions, local government units shall ensure and support, among other things , the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology xxxxxx


² Section 16, Article II of the Constitution. The state shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
21 June 2024



Respectfully indorsed to the PROVINCIAL LEGAL OFFICE the herein **MUNICIPAL ORDINANCE NO. 1 S 2024** of the **MUNICIPALITY OF MATALOM, LEYTE**; integrating and harmonizing all pertinent ordinances relating to fisheries and protection of municipal waters and coastal resources of Matalom, Leyte, for review and recommendations.


FLORINDA JIL S. UYVICO
Secretary to the Sanggunian



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MATALOM

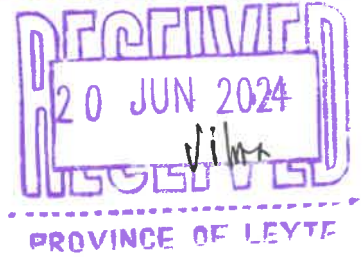


OFFICE OF THE SANGGUNIANG BAYAN SECRETARY

SANGGUNIANG PANLALAWIGAN

18 June 2024

THE SANGGUNIANG PANLALAWIGAN
Legislative Building, Capitol Site
Tacloban City



Thru: FLORINDA JILL S. UYVICO
Sangguniang Panlalawigan Secretary
Legislative Building, Capitol Site, Tacloban City


Gentlemen/Ladies:

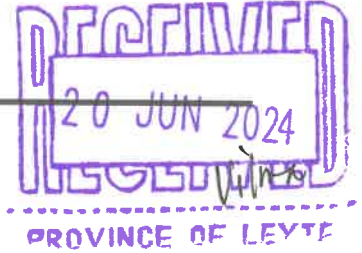
We are respectfully forwarding to the Sangguniang Panlalawigan for review, 16 copies of the following ordinances:

1. **Municipal Ordinance No. 1, s. 2024** of the Municipality of Matalom, Leyte, An Ordinance Integrating And Harmonizing All Pertinent Ordinances Relating To Fisheries And Protection Of The Municipal Waters And Coastal Resources Of Matalom, Leyte, And For Other Purposes, Otherwise Known As The Coastal Resource Management Code Of Matalom, Leyte Of 2024;
2. Municipal Ordinance No. 2, s. 2024 of the Municipality of Matalom, Leyte, An Ordinance Amending Section 6, 8, 11, 13, 17 And 36 Of Municipal Ordinance No. 03-2020, An Ordinance Enacting The Local Code For Children's Welfare Of Matalom, Leyte.

Kindly acknowledge receipt hereof.

Very truly yours,


IRISH C. GUNGUE
Secretary to the Sanggunian



OFFICE OF THE SANGGUNIANG BAYAN

**MUNICIPAL ORDINANCE NO. 01
Series of 2024**

AN ORDINANCE INTEGRATING AND HARMONIZING ALL PERTINENT ORDINANCES RELATING TO FISHERIES AND PROTECTION OF THE MUNICIPAL WATERS AND COASTAL RESOURCES OF MATALOM, LEYTE, AND FOR OTHER PURPOSES, OTHERWISE KNOWN AS THE COASTAL RESOURCE MANAGEMENT CODE OF MATALOM, LEYTE OF 2024.

*Sponsor: Hon. Ronald P. Gilo
Co-sponsors: Hon. Aureliano P. Lapasanda, Hon. Alfonso B. Tan*

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 has devolved the management of the municipal waters and its coastal and fishery resources to the municipal government;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 Matalom, Leyte is endowed with beautiful coastal and island beaches stretching about 25 kilometers, that can be found both in the northern and southern portion of its municipal waters;

WHEREAS, Matalom, Leyte has also a deep sea and relatively pristine coral reefs that needs to be protected to achieve sustainable fisheries;

WHEREAS, Matalom, Leyte has diverse mangroves forest with a record of 13 species, comprising 26% of the total mangrove species of the Philippines, but the relative density of



¹ Section 16, Article II, Constitution. *The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.*

² Section 16 (R.A. 7160). *General Welfare. – Every local government unit shall exercise the power expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants.*

³ Section 16 of R.A. 8550 as amended by R.A. 10654

Municipal Ordinance No. 01, series of 2024

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its mangroves has been found to be increasingly diminishing because of human developmental activities;

WHEREAS, Matalom, Leyte has diverse seagrass species, and seaweed species that can have potential livelihood opportunities;

WHEREAS, the municipality 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, the municipality 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, destructive fishing methods, overfishing, storms and typhoons, and other concerns like mariculture, coral extraction and red tide, among others;

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

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

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 MATALOM, LEYTE AND FOR OTHER PURPOSES" OTHERWISE KNOWN AS THE COASTAL RESOURCE MANAGEMENT CODE OF MATALOM, LEYTE.

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 Code 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 Matalom, Leyte 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;



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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 or 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;
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.

SECTION 3. APPLICATION OF ITS PROVISIONS.

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

1. the coastal and municipal waters of Matalom;
2. all fishery resources in the municipal waters;
3. all fishery activities or business relating to the use, development, conservation and management of Matalom’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 Matalom;
5. all cooperatives duly registered in accordance with law and duly accredited by the municipal government of Matalom; and
6. all corporations with sixty (60) percent of its capital belonging to *bonafide* residents of Matalom.

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

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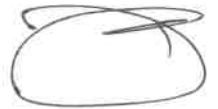


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and other marine litter; discharge of petroleum, and other radioactive, noxious or harmful liquid, gaseous or solid substances, from any water, land or other human made structures. Deforestation and unsound agricultural practices such as the use of 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;
- 6. Auxiliary Invoice – issued by the municipal government for all fish and fishery products prior to their transport from the municipality of Matalom to their point of destination in the Philippines and/or for export purposes upon payment of the fees prescribed in this Code;
- 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. 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;
- 9. 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;
- 10. 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;

- 11. 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.

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12. 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;
13. Coral Reef – geological features built by natural calcification and other deposits from corals and calcareous;
14. 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.
15. Department – shall mean Department of Agriculture;
16. 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;
17. 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;
18. Exclusive Fishery Privilege – the lease or grant conferred by the 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;
19. FARMC – shall mean Fisheries and Aquatic Resources Management Council;
20. Fine-Meshed Nets – all net-webbing, whether made of natural fibers, synthetic or any other materials used in fishing, with a mesh size of less than three (3) centimeters when stretched;
21. 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



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and installed in the water with opening at the surface and held in place by wooden posts or various anchors and floats;

22. 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;
23. Fish Fingerlings – a stage in the lifecycle of fish measuring 6-13 centimeters depending on the species;
24. Fish Fry – a stage in the lifecycle at which a fish has just hatched usually with sizes from 1-5.5 centimeters;
25. 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;
26. Fish Pond – a land base facility enclosed with earthened or stone materials to impound water for growing fish;
27. Fisheries – refers to all activities relating to the act or business of fishing, culturing, preserving, processing, marketing, developing, conserving and managing fishery resources;
28. Fishery License – a document that qualifies a person/cooperative/partnership/corporation to engage in fishery activities in the municipal waters of Matalom;
29. Fishers/Fisherfolk – people directly, or personally and physically engaged in taking and/or culturing and processing fishery/coastal/marine resources;
30. 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;
31. Fishers Organization – an accredited organized group, association, federation, alliance or institution of fishers which has at least 15 members, a set of officers, a constitution and by-laws and having an organizational structure and program/s of action;
32. Fishery and Marine Resources – include all flora and fauna found in coastal and marine areas/zones, including their habitat;
33. Fishery Management Areas – a bay or gulf, lake or any other fishery area which may be delineated for fishery resources management purposes;



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34. 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;
35. Fishery Reserve – a designated area where activities are regulated and set aside for educational and research purposes;
36. Fishing – the taking of fishery species from the wild state or habitat, with or without the use of fishing vessels;
37. 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;
38. 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;
39. 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”, drift gillnet (more than 500m in length) and ringnets;
 - 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, fishpots, traps and gill nets across the path of the fish;
40. 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;
41. 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;
42. Force Majeure – any unforeseeable man-made or natural occurrence that prevents someone from complying with the law or fulfilling a legal obligation



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43. Gratuitous Permit – a permit issued to marginal and subsistence municipal fishers free of any charges;
44. 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;
45. Mangroves – a community of intertidal plants including all species of trees, shrubs, vines and herbs on coast, swamps, or border of swamps;
46. 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;
47. 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;
48. 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 fresh water areas to spawn (eg. siganids, *bangus*, *talakitok*); and
 - b. Catadromous Species – freshwater fishes which migrate to marine areas to spawn (eg. mudcrab);
49. MFARMC – the Municipal Fisheries and Aquatic Resources Management Council;
50. 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;
51. Municipal Fishers – persons who are engaged in municipal fishing and/or fishing within the municipal waters;
52. 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;
53. Municipal Government – refers to the municipal government of Matalom;
54. 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



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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 municipalities;

55. 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;
56. 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;
57. 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.
58. 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;
59. 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;
60. Permit to dock – the permit granted to commercial fishing vessels or other fishing vessels not registered/licensed with the municipal government of Matalom to dock on any port, pier, wharf, or quay within the Municipality of Matalom for purposes of unloading fishery/aquatic products and refurbishing of supplies;
61. Persons – natural or juridical entities such as individuals, associations, partnership, cooperatives corporations;



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62. Postharvest Facilities – These facilities include, but not limited to fishports, fishlanding, ice plant and cold storages, fish processing plants;
63. 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;
64. *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. 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.
65. 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;
66. Subsistence 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 and cast-net;
67. 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;
68. *Tuktok (local term: used to identify a type of fishing gear)* - a kind of gear using a net lined with dried banana/any leaves, employing a scaring device, which uses approximately 4-inch diameter and 2-3feet long GI pipe. 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. –⁴

Pursuant to the Local Government of Code of 1991 (RA 7160), the Amended Philippine Fisheries Code 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).

⁴ DENR Administrative Order No. 17, Series of 2001



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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 Matalom, Leyte shall include the following:

Name	Coverage (Barangays)
Rivers: Matalom River	Brgy. Sto. Niño, Brgy. Caridad Norte, Brgy. San Isidro; Brgy. Bagong Lipunan, Brgy. Elevado, Brgy. Caningag, Pres. Garcia, Esperanza, San Vicente, Brgy. Calumpang and Brgy. Hitoog
Hibagnan River	Brgy. Zaragosa, Brgy. Punong, Brgy. Sta. Paz, Brgy. Taglibas-Imelda and Brgy. Altavista
Tag-os River	Brgy. Tag-os
Tubig Dako River	Brgy. Monte Alegre, Brgy. Lowan and Brgy. Templanza
Creeks: Itum Creek	Brgy. Itum
Ubujan Creek	Brgy. Caridad Sur
Agbanga Creek	Brgy. Agbanga and Brgy. Itum
Domog Creek	Brgy. Zaragosa
Magong-Ong Creek	Brgy. Tigbao and Brgy Waterloo

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

Point	Latitude	Longitude	Remarks
1	10°11'11.81"N	124°45'20.94"E	
2	10°11'5.00"N	124°45'7.00"E	
3	10°11'16.00"N	124°41'3.00"E	
4	10°10'58.00"N	124°40'53.00"E	
5	10°11'12.69"N	124°36'45.74"E	
6	10°18'49.91"N	124°38'49.79"E	
7	10°18'49.03"N	124°47'24.99"E	

SECTION 6. JURISDICTION OF THE MUNICIPAL GOVERNMENT. –

The municipal government shall have jurisdiction over the municipal waters. In consultation with the MFARMC the municipal government shall be responsible for the

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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: CORE ZONE. There shall be areas designated as Core Zone within the coastal marine areas of Matalom due to their relative importance to the over-all biological, economic, and social environment. Below are the Core Zones with corresponding technical description:

OBJECT ID	Station	Core Zones	Zoning	ID	Longitude	Latitude
	1	Tamakin Marine Sanctuary	Core Zone		124°47'19.8"	10°18'54"
	2	Tamakin Marine Sanctuary	Core Zone		124°47'14.3"	10°18'54.0"
	3	Tamakin Marine Sanctuary	Core Zone		124°47'14.6"	10°18'40.7"
	4	Tamakin Marine Sanctuary	Core Zone		124°47'20.3"	10°18'40.9"
	1	Canigao Marine Sanctuary	Core Zone		124°45'3.48"E	10°15'1.06"N
	2	Canigao Marine Sanctuary	Core Zone		124°45'6.30"E	10°15'3.30"N
	3	Canigao Marine Sanctuary	Core Zone		124°45'0.50"E	10°15'18.50"N
	4	Canigao Marine Sanctuary	Core Zone		124°44'48.60"E	10°15'22.10"N
	5	Canigao Marine Sanctuary	Core Zone		124°44'38.30"E	10°15'5.90"N
	6	Canigao Marine Sanctuary	Core Zone		124°44'48.60"E	10°14'54.60"N



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	7	Canigao Marine Sanctuary	Core Zone		124°44'53.76"E	10°14'52.12"N
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Ten percent (10%) of the total reef area of Matalom, Leyte shall also be declared as Core Zone pending results and recommendation by scientific studies.

Zone 2: COASTAL/MARINE MULTIPLE USE ZONE

Sub-zone 1: BUFFER ZONE. There shall be established a buffer between the core zone and the multiple use zone contiguous to the core zone with a distance of 200-meter (wherever applicable) from the boundaries of all core zone. Below are the buffer zones with respective technical description.

OBJECT ID	Station	Buffer Zones	Zoning	ID	Longitude	Latitude
	1	Canigao Island	Buffer Zone		124°45'7.19"E	10°15'11.11"N
	2	Canigao Island	Buffer Zone		124°44'59.18"E	10°15'28.28"N
	3	Canigao Island	Buffer Zone		124°44'41.28"E	10°15'32.61"N
	4	Canigao Island	Buffer Zone		124°44'26.88"E	10°15'11.84"N
	5	Canigao Island	Buffer Zone		124°44'38.69"E	10°14'54.65"N
	6	Canigao Island	Buffer Zone		124°44'45.85"E	10°14'50.67"N
	7	Canigao Island	Buffer Zone		124°44'48.02"E	10°14'51.49"N

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.

Subzone2: SUSTAINABLE USE ZONE. All other parts of the coastal/marine area of Matalom, Leyte that are not identified within Core and Buffer zones will be classified as Sustainable Use Zone. This zone will shall be further subdivided into the following sub-zones:

1. NAVIGATION ZONE. The municipal government shall designate Navigation Zone within the municipal waters 100 meters both sides from center of the line. Such navigational lanes are as follows:

Location name	Points	Latitude	Longitude
Matalom Port	1	10°16'918"	124°47'073"





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	2	10°16'875"	124°47'037"
Canigao Island	1	10°14'95"	124°45'118"
	2	10°45'118"	124°45'074"

2. **ECO-TOURISM ZONE.** For purposes of sustainability and to maintain the integrity of the coastal marine areas of Matalom suitable for eco-tourism, there shall be defined areas for ecotourism as follows:
 - a. Hibagnan river and mangrove area
 - b. Canigao Lawis Sand bar
 - c. Matalom river and mangrove area
 - d. Beaches along the north and south coast
 - e. Canigao Island
 - f. Pangas Falls
 - g. Carap-agan Falls
 - h. Hitoog Cave
 - i. Itum-Sta. Fe Mangrove Area
 - j. Cahagnaan-Tag-os Mangrove Area
 - k. Tood Islet and Sand bar
3. **ZONE FOR STATIONARY GEARS AND AQUACULTURE ACTIVITIES.** The municipal government shall allow areas for the establishment of stationary gears in the municipal waters through the grant of exclusive fishery privileges provided that such shall not be situated in areas specifically designated for other uses in this Ordinance and following the respective distances between each other and other fishing activities;
4. **ZONES FOR MUNICIPAL WHARF, FISH LANDING AREAS, FISH PORT.** There shall be established fish landing point/port in every coastal barangays where it is feasible to monitor the fish caught in the municipal waters. Such areas shall be determined as need arises without prejudice to other issuances regulating the establishment of such infrastructures and shall ensure that it will not be detrimental to the over-all environmental condition of the area;
5. **ANCHORAGE ZONE.** This refers to areas where fishing vessels can park their vessels and/or drop their anchors;
6. **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 Matalom, Leyte;
7. **MUNICIPAL FISHING ZONE:** The Municipal 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. USE OF THE MUNICIPAL WATERS

The use, utilization, and exploitation of fishery and aquatic resources in the municipal waters of Matalom, Leyte shall be reserved for municipal fisherfolks. Provided, however, that other activities such as, but not limited to, research, scientific, technological and



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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 FARMC.

SECTION 9. 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 Matalom who are Filipino citizens;
- b. Cooperatives duly registered in accordance with law and duly accredited by the municipal government of Matalom; and
- c. Corporations with sixty (60) percent of its capital belonging to bonafide residents of Matalom.

SECTION 10. 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 municipal fisherfolks of this municipality.

Provided, however, the Local Chief Executive in consultation with the FARMC and upon evaluation and recommendation by the Office of the Municipal Agriculturist may allow or authorize the entry and operation of non-resident fisherfolks within municipal waters of Matalom, Leyte equivalent to a maximum of five percent (5%) of the total resident fisherfolks. 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.

SECTION 11. REGISTRY OF MUNICIPAL FISHERS.

The Municipal Government shall maintain a registry of municipal 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 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 FARMC, shall formulate the necessary mechanisms for inclusion or exclusion procedures that shall be most beneficial to the resident municipal fishers, and the FARMC 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



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- 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; and,
 - e. at least eighteen (18) 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 12. REGISTRATION OF MOTORIZED AND NON-MOTORIZED BOATS AND GATHERING OF PROFILE OF EVERY FISHERMAN.

The Office of the Municipal Treasurer, in close coordination with the CRM Coordinator or the Municipal Agriculturist, shall initiate and implement strict registration of all motorized and non-motorized bancas in all coastal barangays of Matalom. Registration of boats at the barangay level shall be closely coordinated with the Barangay Officials, and more particularly, the Barangay *Kagawad* Chairman on Agriculture / 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.

All applicants shall secure Fishing Vessel Clearance from PNP Maritime Group through its Maritime Group Clearance Office (MGCO) and its regional, Maritime Station offices and special boat units, prior issuance of certificate to fishing vessel three (3) gross tonnage and below.

SECTION 13. CODING OF MOTOR BOATS

The municipal government shall designate a signage for all motor boats that will be operating in the municipality; Provided, that the certificate numbers and designated color shall be inscribed as code of each boat of the barangay situated on both sides of the bow, in a space provided for such purpose.

1. Matalom – Green with white markings

All fishermen residing in Matalom who are not residents of 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 14. PREFERENTIAL TREATMENT TO MUNICIPAL FISHERS AND THEIR ORGANIZATION IN THE GRANT OF EXCLUSIVE FISHERY PRIVILEGES.

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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:

- a. 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.
- b. 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.
- c. 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.
- d. 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.
- e. The Sangguniang Bayan, through a resolution, shall award the exclusive fishery privilege.
- f. 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 15. 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;
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.

SECTION 16. 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 fish corral and/or gathering of bangus fry outside of the designated zones/areas in the municipal waters;



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

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

- a. Person seeking exemption must be a duly registered fisherfolk of the municipality of Matalom;
- b. Fishing boat must be three (3) gross tons and below and must be duly registered at the municipality of Matalom;
- c. Fishing gears must be duly registered purposely used for catching anchovy, *oyabang*, *tugnos* and other small fish which are considered matured;
- d. All abovementioned conditions are to be applied only during the open season for anchovy, *oyabang*, *tugnos* and other small fish which are considered matured;
- e. That the season to catch anchovy and other aforementioned small fish in the municipal waters of Matalom shall be from *November to May* at the north coast and from November to May at the south coast.

SECTION 18. 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 FARMC, shall enact an ordinance prohibiting or limiting fisheries activities in the said waters.

SECTION 19. MANAGEMENT OF MARINE PROTECTED AREAS (MPAS).

1. Marine protected areas 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 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



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BFARMC Chairperson and Barangay Chair will serve as co-chairs of the management body.

3. This management body will meet monthly 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 Code, 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 Matalom 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 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, without prior permission from the Barangay Captain and MPA Management body;
 - g) Illegal activities;
 - h) Use of motorized and non-motorized boats, including wave runners or jet skis;
 - i) Disposal of solid and/or liquid wastes;
 - j) Extraction or destruction of all forms of marine life;
 - k) Unauthorized construction of shelter and buildings;
 - l) Such other activities that may cause damage to and destruction of marine life;
 - m) Stealing of Buoys.

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



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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 not 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, however, if necessary, motorized and non-motorized boats may be allowed 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 20. 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 21. COASTAL AQUACULTURE.

- a. The municipality 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.



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- c. The municipal 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.
- 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. REGULATION ON CONSTRUCTION AND OPERATION OF FISH CAGES, FISH PENS, FISH CORRAL, OYSTER AND MUSSEL FARMS.

The municipal government, in coordination with the FARMC, 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 Matalom, Leyte shall be regulated by the municipal government in coordination with the FARMC 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 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	100 m from another farm owned by another operator

SECTION 23 - A. ALLOCATION AND LIMITATIONS OF FISHERY RESOURCES FOR FISHING AND MARICULTURE PURPOSES IN FISHERY MANAGEMENT AREAS - The municipal government of Matalom, Leyte 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. The maximum size of fish cages, fish pens and fish corrals shall be 36 square meters per module.
2. No fish cage, fish pen or fish corral shall be constructed within one hundred (100) meters from the shoreline and that no fish cage shall be constructed in designated navigational routes and in front of the municipal wharf, and;
3. The following resource allocation system must be strictly observed:

For fish corral 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

For seaweed culture



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- 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;
- 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
- a Five Hundred (500) square meters shall be allocated or reserved for government project

For fish cages and fish pen operation

- 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
- 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 (DA) and the Bureau of Fisheries and aquatic Resources (BFAR). 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 Code of this municipality.

Permit to Operate (per year)

Area	Proposed Charges
Less than 100m ²	Free
100m ² to 500m ²	Php 500.00
500.1m ² to 1 hectare (ha)	Php 1,000.00
1 hectare (ha) and above	Php 1,400.00/hectare

SECTION 25. 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 shall be prohibited;



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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 26. MAINTENANCE OF WATER QUALITY AND CLEANLINESS.

Matalom 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.

SECTION 27. NAVIGATIONAL ROUTE.

The municipal government, in consultation with the FARMC, 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.

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 Office of the Municipal Agriculturist in collaboration with the FARMC in this municipality 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 Matalom, Leyte 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



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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. RENEWAL OF FISHERY LICENSE.

The fishery license shall be renewed annually. The holder shall have sixty (60) days prior to the expiration of the license to renew.

SECTION 31. LICENSING PROCEDURES.

Applicants for fishery license shall submit the following documents to the Municipal Agriculturist/Municipal Agricultural Officer:

1. Duly accomplished application form
2. BFARMC endorsement (*if applicable*)
3. Any valid government ID or Barangay clearance or Community tax certificate (for individual) or certificate of registration or certificate of accreditation (for organizations, cooperatives, partnership, firms of corporations)
4. Certificate as registered municipal fisher/s from CRM Officer/Municipal Agriculturist.
5. Proof of payment of the prescribed fees. (*Official Receipt*)

SECTION 32. 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 FARMC, the fishing activities that shall only be permitted, allowed and/or authorized to operate within the fishing zones of this municipality are as follows:

Note: There is a new research/study being conducted by BFAR re: allowable Gears per area and per season (LGUs are advised to coordinate with BFAR)

English Name

Local Name

A. Fishing gears/nets

- | | |
|---|-----------------------------|
| 1. Hook and line | Pankawil/Pasol |
| 2. Multiple hand line | Paundak o Hiros-hiros/Undak |
| 3. Long line | Kitang/Palangre |
| 4. Fish/Squid Pot | Bobo |
| 5. Crab Pot | Timing o Panggal |
| 6. Crab Lift Net | Bintol |
| 8. Spear fishing without compressor | Pamana |
| 9. Fish Corral | Buno-an o Baklad/Bunsod |
| 10. Fishing net for catching anchovies
bolinao o hipon | *seasonal "Kabo" |
| 11. Squid Jigger | Pag-sanit o Pangnokos |

B. Use of Fishing Accessories

- | | |
|-------------------|-----------------|
| 1. Pressure lamps | Petromax o Gral |
|-------------------|-----------------|



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(These has to be consulted with BFAR (study is still being conducted))

C. Mariculture/Aquaculture activities

- | | |
|-----------------------------|---|
| 1. Fish cages | Bobo |
| 2. Oyster or mussel culture | Talabahan o tahongan/sisihan |
| 3. Fish/Crab pen | pagtangkal sa isda o alimasag/ |
| 4. Aquasilviculture | Pag-alimangohan sa bakhawan
o kamanyapihan |

D. Other Fishing Activities

- | | |
|--|---------------------------|
| 1. Gathering of shellfish like
Bukawil, sarad, baliad and tuway | Panginhas
Kapis, Lapas |
| 2. Gathering of sea cucumber | Panguha ug balat |

E. Operation of Fish Processing Plants and for fishery related establishment:

- | | |
|--|--|
| 1. Fish drying | Buwaran |
| 2. Fish salting | Ginamosan |
| 3. Fish smoke | Tinap-anan |
| 4. Fish fermentation | Patisan |
| 5. Breeding and Hatcheries
for fish and other fishery/
aquatic species | Pa-itlogan og pamiso-an
og isda ug uban pa nga
produkto sa tubig |

SECTION 33. 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 Matalom, 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 (buno-an o baklad/bunsod) shall not be allowed in inland municipal waters.

SECTION 34. 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 municipal mayor upon payment of corresponding fees at the rate not exceeding those fixed hereunder; Provided, however, that registered fishers from other municipalities who will be permitted to use the municipal waters of this municipality shall pay double the rate fixed hereunder:

Type of fishing Vessel	Standard Fees/Year
Non-motorized	Php 50.00 Php 200.00 (pamukotan)
Motorized	Less than 0.50 GT* = Php 50.00 0.51 to 1 GT = Php 100.00 1.1 to 2GT = Php 200.00 2.1 to 3 GT = Php 300.00



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	<i>*GT = as voted upon by the representatives from each member municipality.</i>
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New Registration	Proposed Charges
a) Certificate of Number (CN)	Php 20.00
b) Barangay Clearance	depends
c) Admeasurement Fee	Php 20.00

Record Changes	Proposed Charges
a) Change of Homeport	100.00
b) Change of Name	100.00
c) Change of Engine	100.00
d) Deed of Sale/Change of Ownership	100.00
For using gears and engaging in the following fishing operations	Standard Fees
Gill Nets (not more than 500m)	Php 150.00/year
Fish pots and Traps (Length, Width, Height is within: <ul style="list-style-type: none"> • Small (below 1m length) • Medium (1-2m) • Large (2.1m - 3.0m) 	Small = Php 25.00/unit Medium = Php 50.00/unit Large = Php 200.00/unit
Spear Gun Fishing	Banned/No more renewal.
Fish Corral (Shallow, max of 300 m ²)	< 3m = Php 500.00 3-5m = Php 900.00 <i>*20% increase every 3 years</i>
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



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	>15 m= Php 1,700.00 <i>*20% increase every 3 years</i>
Stationary Lift nets "bintol"	Php 800.00
Bottom-set longline "palangre"	Php 150.00
Troll line "bahan"	Php 150.00
Scoop Net "sikpaw/dapit"*	Php 220.00 <i>*to be used only for catching anchovies</i>
Gleaning "panginhas", shellfish and other mollusks*	Php 200 - for commercial purposes <i>*with size regulation for sea cucumber and abalone</i>
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
Post-harvest Facility (Seaweed Solar Dryer)	100 m ² = 100 100 above = Php 1.00/m ²
FAD "payaw"*	Php 400 <i>* for association use only provided that they engage in hook and line fishing.</i>
Palurop	Php 250

Fishermen engaged in subsistence fishing such as hook and line, squid jig and gleaning for home/food consumption will be exempted from payment of fees.



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FISHERFOLK REGISTRATION – No fees shall be collected for the municipal fisherfolk registration.

For fishers who are *bonafide* members of any fisher organization or cooperative in the municipality of Matalom, a discount of 10% in payment of the total fees shall be accorded to them for consideration; Provided however, that such discount in the payment of fees shall not be given to those who have been found to have violated the existing rules and regulations in fisheries and other related ordinances concerning our environment.

SECTION 35. DOCKING, MOORING AND WHARFAGE FEES.

The following schedule of fees is hereby implemented to permit commercial fishing vessels or other fishing vessels not registered/licensed with the municipal government of Matalom to dock on any port, pier, wharf, or quay within the Municipality of Matalom for purposes of unloading fishery/aquatic products and refurbishing of supplies;

Type of Fishing/Marine Vessel	Gross Tonnage	Standard Fees/day
Municipal Fishing Vessel	3.0 GT below	Free
Small-scale Fishing Vessel	3.1-20 GT	Php 270.00
Medium-scale Fishing Vessel	20.1-150 GT	Php 450.00
Large-scale Fishing Vessel	150.1 GT above	Php 850.00

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 and mooring outside the specified areas shall be imposed with a fine of ₱ 2,500.00.

SECTION 36. USE OF FISH AGGREGATING DEVICE (FAD) OR PAYAW IN MUNICIPAL WATERS.

Fish Aggregating Devices (FAD) such as *Payaw* will be placed in multiple use zones. These may only be applied for by barangay fisherfolk organizations of the municipality and are only for the use of hook and line fishing and small net fishing.

Each *Payaw* must be clearly marked with its license number. Each *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 will be allowed to operate in the area.

All unmarked *payaw* will be given a grace period of three months to register their *payaw*; otherwise it will be removed from the municipal waters of the municipality. A maximum of ten (10) *payaw* per fisherfolk association shall be allowed to operate in the municipal waters of Matalom, Leyte.

Each *payaw* shall be constructed, at least, five hundred (500) meters away from each other, taking into account social and ecological conditions of the area. No *payaw* shall be allowed to be constructed and maintained within two (2) kilometers from the coastline and



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one (1) kilometer from the buffer zones and all coral reef areas. *(This will depend on the CRMP/Zoning of the LGU)*

SECTION 37. GRATUITOUS PERMIT.

The municipal government may issue gratuitous 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 BFARMC must endorse the applications for gratuitous permits. Holders of such gratuitous permits are allowed to use only passive gears in their fishing activities.

SECTION 38. 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. *(This is a recommendation only, but may still be increased or decreased depending on the discretion of the LGU)*

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:

1. 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;
2. 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;
3. 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;
4. 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;



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5. Vacate the area covered by the fishery privilege, upon expiration or as directed by authorized municipal officials, unless renewed or cancelled;
6. 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;
7. Delay in the renewal of permits shall be subject to a surcharge in accordance with the following schedules:

Permits paid from March 1 to March 31 – 5%
Permits paid from April 1 to June 30 – 10%
Permits paid from July 1 to December 31 – 15%
Permits paid after one (1) Year – 20%

8. Abide by all other related rules and regulations that will be legislated after the enactment of this ordinance.

SECTION 40. FUNDS FOR COASTAL RESOURCE MANAGEMENT.

A Trust Fund will be established to serve as repository of funds for coastal resource management (CRM).

The municipal government shall allocate all revenues derived from the utilization and exploitation of the municipal waters to coastal resources management 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 of this Ordinance.

SECTION 41. SHARE OF BARANGAYS ON REVENUES OF THE MUNICIPAL 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 42. ESTABLISHMENT OF POST-HARVEST FACILITIES.

The municipal government shall coordinate with the private sector and other concerned agencies and the MFARMC in the establishment of post-harvest facilities such as, but not limited to, municipal 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 43. MUNICIPAL FISH PORT CONSTRUCTION AND DEVELOPMENT.



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Municipal fish port development should be sited and designated in a manner that will minimize changes to existing water and sediment quality parameters such as salinity and temperature, dissolved oxygen, nitrogen, and sediment concentration; organic constituents and transparency of waters; Provided, that municipal fish ports and harbors should be placed in areas with the highest available flushing rate, and access channels should be designated to minimize adverse water circulation changes and creation of stagnant water column; Provided, however, that municipal fish ports and harbors should incorporate facilities which allow for effective waste disposal and erosion.

SECTION 44. REGULATION IN THE MARKETING OF ALL FISHERY PRODUCTS IN THE MUNICIPALITY.

The Municipal Government of Matalom 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 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.

All fish and fishery products, except those caught in violation of the provisions of this Code or are declared as health hazards by concerned institutions, must have an auxiliary invoice to be issued by the municipal CRM office or municipal agriculture 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. *(Fees may be charge under the Revenue Code of the Municipality or may be articulated herein)*

- Php 0.50 centavos per kilo for fish products
- Php 1.00 peso per kilo for dried sea cucumbers
- Php 5.00 pesos per sack for fresh seaweeds
- Php 10.00 pesos per sack for dried seaweeds
- Php 1.00 peso per kilo for prawn and shrimps

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.



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**ARTICLE VII
MANAGEMENT OF CONTIGUOUS
FISHERY RESOURCES**

SECTION 48. PARTICIPATION IN THE MANAGEMENT OF CONTIGUOUS FISHERY RESOURCES – The municipal government of Matalom, Leyte shall participate in the management of Danajon Double Barrier Reef/Camotes Sea 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 DANAJON DOUBLE BARRIER REEF SOUTH-WESTERN LEYTE ALLIANCE (DDBR-SWELA) MANAGEMENT COUNCIL – In order for this municipality 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 Matalom, Leyte shall be mandated to become a member – LGU of the SWELA 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.

SECTION 50. SUPPORTS TO DANAJON DOUBLE BARRIER REEF SOUTH-WESTERN LEYTE ALLIANCE (DDBR-SWELA) MANAGEMENT COUNCIL – The Local Government Unit of Matalom, Leyte 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 Danajon Bank Double Barrier Reef; provided, that supports to the management council shall be endorsed by the Sangguniang Bayan.

**ARTICLE VIII
MUNICIPAL COASTAL RESOURCES MANAGEMENT AND
FISHERIES DEVELOPMENT PLANNING**

SECTION 51. MANDATE FOR THE MUNICIPAL COASTAL RESOURCES MANAGEMENT AND FISHERIES DEVELOPMENT PLANNING – The Office of the Municipal Agriculturist (OMA), the Office of the Municipal Environment and Natural Resources (MENRO) and the Municipal Planning and Development Coordinator (MPDC) in coordination with the FARMC and other concerned agencies, shall formulate a Municipal Coastal Resources Management and Fisheries Development Plan, which shall be the basis for the long-term development and management of the coastal fishery/aquatic resources of the municipality.

SECTION 52. PLANNING CONSULTATION - Within sixty (60) days from the organization of the Municipal FARMC, the Office of the Municipal Agriculturist in collaboration with the MENRO and the MPDC 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 through its Committee on Agriculture and Fisheries.



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SECTION 53. FORMULATION OF THE MUNICIPAL COASTAL RESOURCES MANAGEMENT AND FISHERIES DEVELOPMENT PLAN - Using the results of the consultation as a guide, the OMA, MENRO and MPDC in collaboration with MFARMC and concerned government, 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 Coastal Resources Management and Fisheries 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 Coastal Resources Management and Fisheries Development Plan shall be formally submitted to the MPDC 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 M/CRMFD PLAN PREPARATION - With the approval of the Municipal Mayor, the MPDC, MENRO and OMA shall submit and present to the Sangguniang Bayan the Work and Financial Plan on the different activities related to the preparation of the Municipal Coastal Resources Management and Fisheries Development Plan of the municipality; provided, that one (1) week after the approval/adoption of the SB, an amount of Fifty Thousand Pesos (P50,000.00) shall be released through the Office of the Municipal Treasurer as funding support for the MCRMFD Plan preparation. *(Recommended funding only, may still be increased)*

ARTICLE IX

CREATION OF CRM SECTION UNDER THE MUNICIPAL AGRICULTURIST'S OFFICE.

SECTION 56. CREATION OF CRM SECTION UNDER THE MUNICIPAL AGRICULTURIST'S OFFICE.

There is hereby created a CRM Section under the Municipal Agriculture Office, solely for the purpose of attending to the needs on coastal resource management of the municipality. The CRM Section shall be headed by the Municipal Agriculturist to be assisted by the CRM Officer.

SECTION 57. FUNCTIONS, DUTIES AND POWERS OF THE CRM SECTION.

The CRM Section shall have the following functions, duties and responsibilities:

1. Formulate measures for the 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 resources management and fisheries services;
2. Develop plans and strategies for the 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 resources management and fisheries programs and projects which the municipality mayor is empowered to implement and which the Sangguniang Bayan is empowered to provide;



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3. Ensure the maximum assistance and access to resources in the sustainable management and use of the environment and natural resources, particularly on coastal and fishery resources;
4. Enforce rules and regulations relating to environment and natural resources, particularly on coastal resources 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 and fishery resources;
6. Be in frontline of the delivery of basic services, particularly those needed for the survival of the inhabitants during and in the aftermath of man-made and natural disasters and calamities;
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;
8. Exercise such other powers and perform such other duties and functions as may be prescribed by law and ordinance.

SECTION 58. QUALIFICATIONS OF THE CRM OFFICER.

No person shall be appointed as CRM officer unless he/she is a citizen of the Philippines, 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. He/she must have experience in coastal resource management for at least two (2) years. The CRM officer shall receive a salary equivalent to such salary grade as may be determined by the Civil Service Commission.

ARTICLE VIII FISHERIES AND AQUATIC RESOURCES MANAGEMENT COUNCIL (FARMC)

SECTION 59. CREATION OF MUNICIPAL FARMC.

Pursuant to RA 10654, a municipal FARMC is hereby established in this municipality. The municipal government shall provide assistance to the municipal FARMC.

SECTION 60. COMPOSITION OF MUNICIPAL FARMC.

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

- a. Municipal Planning and Development Officer (MPDO);
- b. Chairperson of the Sangguniang Bayan Committee on Agriculture/Fisheries;
- c. Representative of the Municipal Development Council;
- d. Municipal Environment and Natural Resources Officer (MENRO);
- e. Representative from the accredited non-governmental organizations;



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- f. Representative from the private sector;
- g. Representative from the MAO;
- h. All coastal barangay BFARMC chairpersons;
- i. 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 Fund by means of prioritizing plans and programs relative to the objectives of this Ordinance.
2. To formulate guidelines regarding the utilization of Trust Fund 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;
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 Municipal Development Council and the Sangguniang Bayan may delegate, as provided by ordinance or resolution.



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ARTICLE IX
PROHIBITED ACTS AND PENALTIES

SECTION 62. COMPLIANCE WITH NATIONAL LAWS.

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

SECTION 63. 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. Use of active gears in fishing;
3. Construction and Operation of Fish cage, Fish pen, fish corral, and fish aggregating device in non-designated areas;
4. Use of *baling/sahid/sin-sin* (beach seine)
5. Use of poisonous substances such as, but not limited to, cyanide or kuskos, lagtang, rotenone (tubli), chlorine, kasla, pesticides and other substances used to stun, stupefy, paralyze or kill the fish to be collected;
6. Electro-fishing;
7. Use of fine mesh nets, double net and other fishing gears, unless for the capture of fishery species which by nature are small but already matured, such as anchovy/bolinao, and a license has been secured from the municipal government consistent with RA 10654 implementing rules and regulations;
8. Use of commercial fishing operations within municipal waters except, for the municipalities that allows the use of 10.1 kilometers and beyond, for commercial fishing vessels;
9. Use of municipal trawl (palakaya) and municipal modified danish seines (hulbot-hulbot, liba-liba, zipper and/or hola hoop) or any of its modifications;
10. Use of pararak method in fishing;
11. Use of fish finder or sonar devices within municipal waters except for those commercial fishing vessels allowed to use the 10.1 km and beyond;
12. Use of fishing light attractors
13. Gathering, selling and possession of rare, threatened and/or endangered (Convention on International Trade in Endangered Species of both Flora and Fauna, CITES listed) species such as, but not limited to, Sea Horse, Coconut Crab, Manta Ray (Sanga), Dolphins, Whales, marine turtles and endangered shell species including, those that are listed under Fisheries Administrative Order No. 208;
14. Gathering, selling and possession of sea cucumber;
15. Gathering, selling and possession of sea hare or dunsol and its breeders;
16. Gathering, selling and possession of starfish except crown of thorns;
17. Gathering, selling and possession of aquarium fishes;
18. The use of "skylab" fishing methods used to catch Bolinao shall only be permitted in the months of November to May. This gear is prohibited to be used in catching other fish species; and
19. Possession or use of tuktok for fishing.



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SECTION 64. OBSTRUCTION TO FISHERY LAW ENFORCEMENT OFFICER

Violators shall be penalized with confiscation of catch and gear. A fine of Two Thousand Five Hundred Pesos (P2,500) per person 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 fishery vessels, gear, paraphernalia and other items used in the commission of the prohibited acts shall be forfeited in favor of the municipal government of Matalom, Leyte.

An administrative fine in the amount of not less than One Thousand Pesos (P1,000) but not more than Two Thousand Five Hundred Pesos (P2,500) per person involved in the violation shall be imposed by the Adjudication Board after observing the due process and finding that the respondent/s committed the prohibited act/s. Forfeiture of seized fishing vessels, fishing gear and paraphernalia, and other items used in the commission of the prohibited acts shall likewise be imposed. Proceeds from the administrative fines shall be allocated as follows:

- a. Municipal Government – 50%
- b. Apprehending Officer/s – 50%

A fifty percent (50%) incentive shall be provided to all individuals and officials involved in the apprehension of persons who violated the provisions of this CRM ordinance. Such incentives will come from the Trust Fund established under this ordinance.

SECTION 65. COMMUNITY SERVICE – In case the offender is a municipal fisherfolk or has no property over which the Municipal/City Government may impose the fines and penalties prescribed for the offense, community service may be rendered in lieu of the fine. The Municipal/City 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.

APPLICATION. – The Adjudication Committee shall promulgate the rules regarding the rules regarding the imposition of the alternative penalty of community service in lieu of the fines and penalties prescribed for the offenses. The Adjudication Committee may impose the alternative penalty of community service only upon the application of the offending municipal fisherfolk or upon the application and proof by an offender who has no property.

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.

EXAMPLES OF COMMUNITY SERVICE. Community services may include:

- a. Planting of mangroves in mangrove areas or river embankments;
- b. Rendering services for a certain period to a community-managed mangrove nursery, marine finfish hatchery or community fish landing center;
- c. Capacitating fisherfolks and their families, in the community where the offense was committed, through the conduct of alternative livelihood seminars, free health programs/medical missions, or provision of educational materials/supplies;



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- d. Developing an information, education campaign material on fishery and fishery resource management and conservation and disseminating the same;
- e. Participating in or undertaking a coastal clean-up operation; or
- f. Organizing other activities that will redound to the benefit of the community where the violation was committed.

**ARTICLE X
ADMINISTRATIVE ADJUDICATION**

SECTION 66. ADMINISTRATIVE ADJUDICATION POWER OF LOCAL GOVERNMENT UNITS

Under the Local Government Code, 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 67. COMPOSITION OF THE ADMINISTRATIVE ADJUDICATION BODY.

The administrative adjudication body will consist of the following:

- 1. MLGOO;
- 2. Municipal/City Administrator/MA/CA/Legal;
- 3. Chief of Police;
- 4. Fisherfolk Organization/Cooperative or M/CFARMC representative;
- 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 68. DUTIES, POWERS AND FUNCTIONS OF THE ADMINISTRATIVE ADJUDICATION BODY.

- 1. Conduct hearings for fishery violation within the Municipal waters of Matalom 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 Mayor the imposition of other indemnities;



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6. Such other powers that will help in the early disposition of cases for violation of the CRM ordinance.

SECTION 69. 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 70. 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 XI GENERAL PROVISIONS

SECTION 71. PERSON AND DEPUTIES AUTHORIZED TO ENFORCE THIS ORDINANCE.

The Philippine National Police (PNP) duly deputized by the municipality together with the deputized Fish wardens, the Municipal Mayor, Municipal Agriculturist, CRM officer, Municipal FARMC, Barangay Chairman and other officials of the Sangguniang Barangay, deputized members of the Coastal Law Enforcement Council for Alliance of LGUs and 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 Municipal Mayor as deputy fish wardens in the enforcement of this Ordinance, fishery laws, and rules and regulations.

SECTION 72. 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 XII FINAL PROVISIONS

SECTION 73. APPROPRIATION.

The sum necessary to effectively carry out the provisions of this Code during the first year of its implementation shall be allocated from the supplemental budget with an initial amount of Five Hundred Thousand Pesos (Php500,000.00) and will be accrued to the CRM section under the office of the Municipal Agriculture Officer. 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. *(Recommended only, may still be increased or decreased depending on the discretion of the LGU)*



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SECTION 74. GENERAL PENAL PROVISION.

Any person who violates any provision of this Code not herein otherwise covered by a specific penalty, or of the rules and regulations promulgated under authority of this Code, shall be punished by a fine of not less than one thousand pesos (P1,000.00) per person but not more than two thousand five hundred pesos (P2,500.00) per person or imprisonment of not less than one (1) month nor more than six (6) months, or both fine and imprisonment, at the discretion of the Court.

SECTION 75. 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.

SECTION 76. SEPARABILITY CLAUSE.

If, for any reason, any part or provision of this Code 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 77. EFFECTIVITY CLAUSE.

This Code 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.

UNANIMOUSLY APPROVED: April 3, 2024

X-----X

I HEREBY CERTIFY THAT THIS IS A
TRUE AND ACCURATE COPY OF THE ORDINANCE DULY ENACTED BY
THE SANGGUNIANG BAYAN ON APRIL 3, 2024.


IRISH C. GUIGUE
Secretary to the Sanggunian

ATTESTED:



HON. RIKRIK JAY S. PAJULIO
Municipal Vice-Mayor/Presiding Officer



OFFICE OF THE SANGGUNIANG BAYAN

APPROVED:

HON. ERIC S. PAJULIO, D.M.D.
Municipal Mayor
Date of Approval: 05/10/2024


HON. MARIA NICHOLINA P. CAUBE
SB Member


HON. MARIA PAMELA P. GADO
SB Member



HON. LEONARD P. TAN II
SB Member


HON. AURELIANO P. LAPASANDA
SB Member


HON. DERICK S. PAJULIO
President, LnB

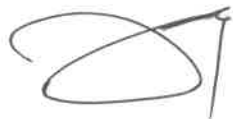

HON. JOSELEO W. DANCES SR.
SB Member


HON. ALFONSO B. TAN
SB Member


HON. SABINO G. GERONA
SB Member


HON. RONALD P. GILO
SB Member


HON. VINCENT MAURICE P. GARDE
President, PPSK





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Province of Leyte
MUNICIPALITY OF MATALOM
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OFFICE OF THE SANGGUNIANG BAYAN SECRETARY

CERTIFICATION

THIS IS TO CERTIFY that Municipal Ordinance No. 01, s. 2024 entitled, An Ordinance Integrating And Harmonizing All Pertinent Ordinances Relating To Fisheries And Protection Of The Municipal Waters And Coastal Resources Of Matalom, Leyte, And For Other Purposes, Otherwise Known As The Coastal Resource Management Code Of Matalom, Leyte Of 2024, has been posted in three (3) conspicuous places in the municipality and shall remain posted for three (3) consecutive weeks.

This certification is issued in compliance with the pertinent provisions of the Local Government Code of 1991.

ISSUED this 13th day of May, 2024 at Matalom, Leyte, Philippines.


IRISH C. GUIGUE
Secretary to the Sanggunian



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MATALOM



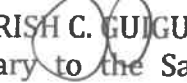
OFFICE OF THE SANGGUNIANG BAYAN SECRETARY

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IRISH C. GUIGUE
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