

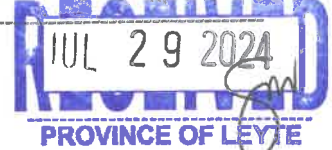


Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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PROVINCIAL LEGAL OFFICE

SANGGUNIANG PANLALAWIGAN



2nd INDORSEMENT
May 30, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 2024-193 of the Sangguniang Bayan of Carigara, Leyte.

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

- Ordinance No. 2024-193 entitled: **“An Ordinance Amending Section 13 & 26 of Municipal Ordinance No. 130, Series of 2022, Otherwise Known as A Revised Fishery Ordinance of Carigara, Leyte.**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is in accordance to its power under section 447(a)(1)(vi)¹ of the Local Government Code of 1991 (R.A 7160) and in relation to the mandate of R.A 10654 an act to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Republic Act No. 8550, otherwise known as “The Philippine Fisheries Code of 1998” and for Other Purposes.

Likewise as settled in the case of Costantino v. Desierto 288 SCRA 654, it is within the power of the Local Council to repeal or amend its prior acts either expressly, or by the passage of an essentially inconsistent resolution. Hence, recommending the declaration of its validity.

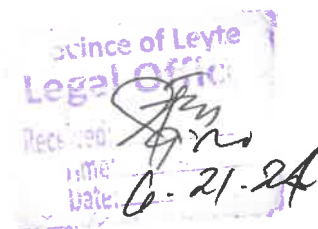
We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent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

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

¹ Section 447(a)(1)(vi) Protect the environment and impose appropriate penalties for acts which endanger the environment such as dynamite fishing and other forms of destructive fishing xxxxxxx

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN



1ST INDORSEMENT
21 June 2024

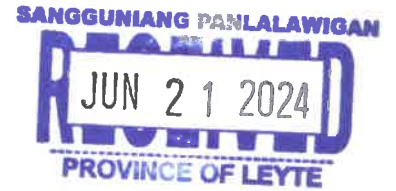
The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **MUNICIPAL ORDINANCE NO. 2024-193** of the **MUNICIPALITY** of **CARIGARA, LEYTE**, entitled: **An Ordinance Amending Section 13 & 26 of Municipal Ordinance No. 130, Series of 2022, Otherwise Known as A Revised Fishery Ordinance of Carigara, Leyte.**


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF CARIGARA
-oOo-

Office of the Sangguniang Bayan



1st Indorsement
June 21, 2024

Respectfully forwarded to the Honorable Members of the Sangguniang Panlalawigan of Leyte, thru the Provincial Board Secretary, Florinda Jill S. Uyvico, the herein **Municipal Ordinance No. 2024-193** –*“An Ordinance Amending Section 13 & 26 of Municipal Ordinance No. 130, Series of 2022, otherwise known as a Revised Fishery Ordinance of Carigara, Leyte”*.

For your consideration and appropriate action.


ROMEO M. VIOJAN
SB Secretary



REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE
MUNICIPALITY OF CARIGARA

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OFFICE OF THE SANGGUNIANG BAYAN

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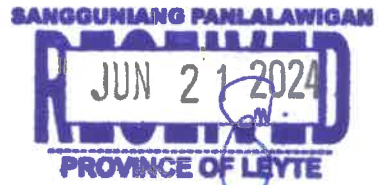
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JIMMY A. CAMPOSANO
Mun. Vice Mayor-Pres. Officer

EXCERPT FROM THE MINUTES/JOURNAL OF THE 93RD REGULAR SESSION OF THE 19TH COUNCIL OF THE SANGGUNIANG BAYAN OF CARIGARA HELD AT THE SESSION HALL, LEGISLATIVE BUILDING, CARIGARA, LEYTE ON MAY 15, 2024

* * * * *

PRESENT:

- Hon. Jimmy A. Camposano ----- Mun. Vice Mayor-Pres. Officer
- Hon. Joenlee C. Larraga ----- SB Member
- Hon. Anabella N. Crisostomo ----- SB Member
- Hon. Mildred C. Modesto ----- SB Member
- Hon. Raul Z. Lloren ----- SB Member
- Hon. Lorna A. Marpa ----- SB Member
- Hon. Joselu N. Guia ----- SB Member
- Hon. Kim Anthony G. Agner ----- SB Member
- Hon. Leny T. Ong ----- SB Member
- Hon. Arvin N. Urmeneta ----- SB Member-Liga ng mga Brgy. Pres.
- Hon. Daniel N. Ariaso, Jr. ----- SB Member-SK Fed. Pres.



[Signature]
DANIEL N. ARIASO, JR.
SB Member-SK Fed. Pres.

[Signature]
ARVIN N. URMENETA
SB Member-Liga Fed. Pres.

ABSENT:

None

* * * * *

MUNICIPAL ORDINANCE NO. 2024-193

AN ORDINANCE AMENDING SECTION 13 & 26 OF MUNICIPAL ORDINANCE NO. 130, SERIES OF 2022, OTHERWISE KNOWN AS A REVISED FISHERY ORDINANCE OF CARIGARA, LEYTE

Sponsor: Hon. Lorna A. Marpa

NOW THEREFORE, on motion of the Hon. Lorna A. Marpa, seconded en masse, be it ordained by the Sangguniang Bayan of Carigara, Leyte in regular session assembled, that:

SECTION 1. Section 13 of Municipal Ordinance No. 130-2022 is hereby amended to read as follows:

“Section 13. MARINE RESERVE AREA (MRA). To enable the fish population in the Municipal Waters of Carigara, Leyte to reproduce and provide replenishment to its stock, a Marine

[Signature]
JOENLEE C. LARRAGA
SB Member

[Signature]
ANABELLA N. CRISOSTOMO
SB Member

[Signature]
MILDRED C. MODESTO
SB Member

[Signature]
RAUL Z. LLOREN
SB Member

[Signature]
LENY T. ONG
SB Member

[Signature]
KIM ANTHONY G. AGNER
SB Member

[Signature]
JOSELU N. GUIA
SB Member

[Signature]
LORNA A. MARPA
SB Member



REPUBLIC OF THE PHILIPPINES
 PROVINCE OF LEYTE
 MUNICIPALITY OF CARIGARA



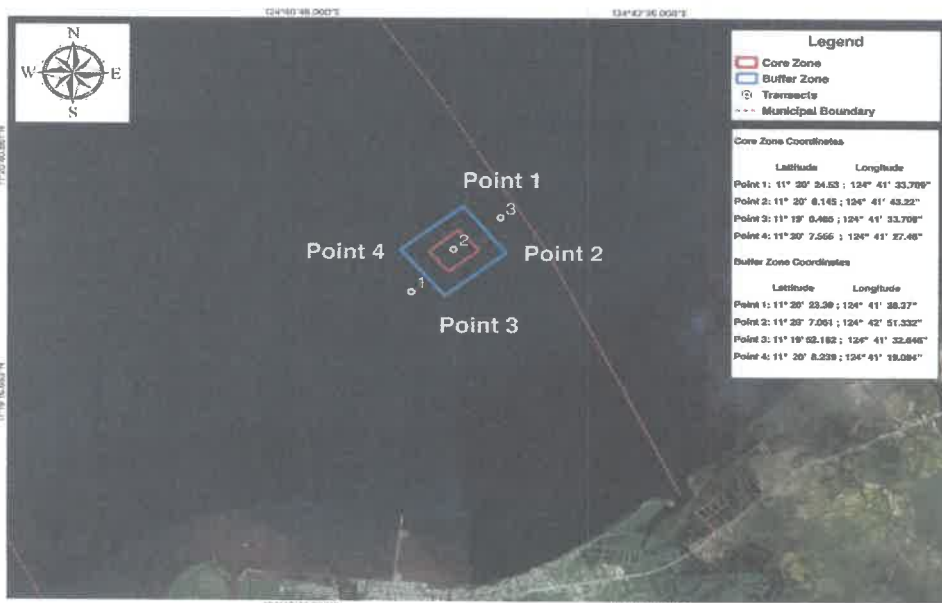
OFFICE OF THE SANGGUNIANG BAYAN

Telephone No. (053) 530-5144 E-mail Address: sangguniang_bayancarigara@gmail.com

Page 2/4Ord. No.2024-193 –

Reserve Area is hereby established within the territorial waters of the Municipality of Carigara with the following geographic coordinates. Barugohay Norte Fish Sanctuary Latitude: 11° 20' 17" N to Longitude: 124° 41' 49" E, Core Zone Area Point 1 Latitude: 11° 20' 24.53; Longitude 124° 41' 33.709", Point 2 Latitude: 11° 20' 8.145; Longitude 124° 41' 43.22" Point 3. 11° 20' 0.485 Longitude: 124° 41' 33.709" Point 4. 11° 20' 7.555; Longitude 124° 41' 27.48" and Buffer Zone Area Point 1 Latitude: 11° 20' 23.39 Longitude: 124° 41' 38.37", Point 2 Latitude 11° 20' 7.061"; Longitude: 124° 42' 51.332", Point 3 Latitude: 11° 19' 52.162"; Longitude: 124° 41' 32.646" Point 4 11° 20' 8.239 Longitude: 124° 41' 19.094" with the total area of 10 hectares and Jugaban Fish Sanctuary Latitude: 11° 19' 18" N to Longitude: 124° 41' 26" E with the total area of seven (7) hectares.

A 200 – meters buffer zone is hereby established around the marine reserve area perimeter where the operation of passive fishing gears such as hook and line set gill nets shall be allowed."



Proposed Boundaries of Barugohay Norte Fish Sanctuary, Carigara Leyte.

Data Source: PFO Leyte, BFAR Region VIII
 Image Source: Philippine GIS Country and Barangay Maps, Bing Maps 2023
 Equipment: QGIS 3.10; Garmin GPSMAP 62SC
 Plotted and Visualized by: Yasmim Reyn R. San Jose 2023
 Scale: 1:22120; Scale of Zoomed Map: 1:23486



[Signature]
 JIMMYA. CAMPOSANO
 Mun. Vice-Mayor-Pres. Officer

[Signature]
 DANIEL X. ARIASO, JR.
 SB Member-Sk. Fed. Pres.

[Signature]
 ARVIN N. URMENETA
 SB Member-Liga Fed. Pres.

[Signature]
 LEROY T. ONG
 SB Member

[Signature]
 KIM ANTHONY G. AGNER
 SB Member

[Signature]
 OSELU N. GUIA
 SB-Member

[Signature]
 LORNA A. MARPA
 SB Member

[Signature]
 JOENLEE C. LARRAGA
 SB Member

[Signature]
 ANABELLA N. CRISOSTOMO
 SB Member

[Signature]
 MILDRED C. MODESTO
 SB Member

[Signature]
 BAUL Z. LLOREN
 SB Member



REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE
MUNICIPALITY OF CARIGARA
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Page 3/4 Ord. No. 2024-193

JIMMY A. CAMPOSANO
Mun. Vice Mayor - Pres. Officer

SECTION 2. Section 26 of Municipal Ordinance No. 130 is hereby amended as per Civil Service Commission Qualification Standards (Revised 1997). To read as follows;

“Section 26. THE CARIGARA FISHERY LAW ENFORCEMENT TEAM/ BANTAY DAGAT. The Carigara Fishery Law Enforcement Team o Bantay Dagat shall be composed of the officers and members of the MFARMCS, LGU Deputized by Municipal Mayor, Philippine National Police and with the assistance of the Philippine Coast Guard, Philippine Maritime Police and BFAR.

DANIEL N. ARASO, JR.
SB Member - SK Fecl. Pres.

The Carigara Fishery Law Enforcement Team (CFLET) shall conduct daily monitoring in the Marine Reserve Area and apprehend illegal fishing activities and intruders. Aside from surveillance and apprehension operations, the CFLET shall issue auxiliary invoice, entrance fee ticket and also assist licensed fishermen whose legal nets are entangled underneath the water and if necessary, assist water search and rescue. CFLET/Bantay Dagat shall issue Citation Ticket to illegal fishers. Original copy of such notice shall be issued to the fishers while the duplicate shall be submitted to the Municipal Treasurer who receives the penalty fee.”

ARVIN N. URMENETA
SB Member - Liga Fed. Pres.

SECTION 3. SEPARABILITY CLAUSE. If for any reasons, a part or provisions of this Ordinance which shall be held to be unconstitutional or invalid, other parts or provision hereof which are not affected shall continue to be in full force and effect.

LENY T. ONE
SB Member

SECTION 4. REPEALING CLAUSE. All ordinances, rules and regulations or parts not consistent with any provision of this Ordinance are hereby repealed, amended or modified accordingly.

KIM ANTHONY G. ASNER
SB Member

SECTION 5. EFFECTIVITY. This ordinance shall take force and effect upon approval.

ENACTED: May 15, 2024 in Carigara, Leyte

* * * * *

I HEREBY CERTIFY to the correctness of the above-quoted Ordinance.

ROMEO M. VIOJAN
SB Secretary

LARNA A. MARPA
SB Member

JEBELUN N. GUIA
SB Member

KIM ANTHONY G. ASNER
SB Member

LENY T. ONE
SB Member

ARVIN N. URMENETA
SB Member - Liga Fed. Pres.

DANIEL N. ARASO, JR.
SB Member - SK Fecl. Pres.

JOENLEE C. LARRAGA
SB Member

ANABELLA N. CRISOSTOMO
SB Member

MILDRED C. MODESTO
SB Member

RAUL Z. LLOREN
SB Member



REPUBLIC OF THE PHILIPPINES
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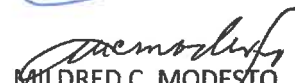
Page 4/4Ord. No.2024-193 --


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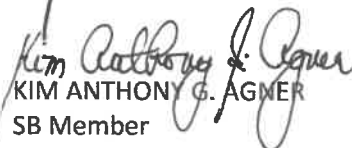

JIMMY A. CAMPOSANO
Municipal Vice Mayor/Presiding Officer


Concurred:


JOENLEE C. LARRAGA
SB Member


MILDRED C. MODESTO
SB Member

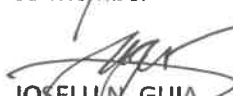

LORNA A. MARPA
SB Member

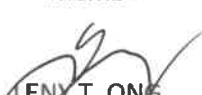

KIM ANTHONY G. AGNER
SB Member

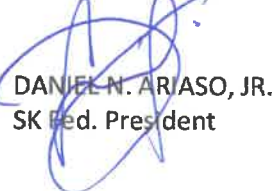

ARVIN N. URMENETA
SB Member-LnB Pres.


ANABELLA N. CRISOSTOMO
SB Member


PAUL Z. LLOREN
SB Member


JOSELU N. GUIA
SB Member


LENY T. ONG
SB Member


DANIEL N. ARIASO, JR.
SK Fed. President

Approved:


EDUARDO T. ONG, JR.
Municipal Mayor

Date Approved:

06/19/2024



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF CARIGARA
-oOo-

Office of the Sangguniang Bayan

CERTIFICATION

THIS IS TO CERTIFY that **MUNICIPAL ORDINANCE NO. 2024-193** – *“An Ordinance Amending Section 13 & 26 of Municipal Ordinance No. 130, Series of 2022, otherwise known as a Revised Fishery Ordinance of Carigara, Leyte”*, has been posted last **June 19, 2024** in accordance with **Sections 59 and 511 R.A. 7160**, otherwise known as the **Local Government Code of 1991**.

ISSUED this 20th day of June, 2024.


ROMEO M. VIOJAN
SB Secretary



REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE
MUNICIPALITY OF CARIGARA

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OFFICE OF THE SANGGUNIANG BAYAN

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embodying Ord. No. 2022-130

Toilets, piggeries and pigsties with sewer or canals leading to rivers, creeks or the sea is prohibited.

Violation of any of the above prohibition shall be penalized a fine of Php 2,500.00 and/or imprisonment of not more than 6 months upon discretion of the court.

Section 11. DECLARATION OF CLEAN-UP DAYS OF CREEK/RIVER BANKS AND COASTAL SHORES. Through a Sangguniang Bayan Resolution, every 30th day of April and 5th day of June shall be declared as creeks/river banks and coastal shores Clean-Up days. Every BLGU shall mobilize citizenry to actively participate in this clean-up operation in their respective territorial jurisdictions. All high school and college students and their respective teachers including the elementary teachers are enjoined to actively participate in the clean-up drives. These activities shall be coordinated by the Office of the Local Chief Executive with the school supervisors and principals of the DepEd.

Section 12. PEOPLES PARTICIPATION IN WASTE MANAGEMENT. The MLGU in coordination with the different people's organization, the Solid Waste Management Board and institutions concerned shall conduct continuous education on proper management of solid and liquid wastes.

Section 13. MARINE RESERVE AREA (MRA). To enable the fish population in the Municipal Waters of Carigara, Leyte to reproduce and provide replenishment to its stock, a Marine Reserve Area is hereby established within the territorial waters of the Municipality of Carigara with the following geographic coordinates. Barugohay Norte Fish Sanctuary Latitude: 11°20'17" N to Longitude: 124°41'49" E with the total area of 10 hectares and Jugaban Fish Sanctuary Latitude: 11°19'18" N to Longitude: 124°41'26" E with the total area of seven (7) hectares.

A 200-meters buffer zone is hereby established around the marine reserve area perimeter where the operation of passive fishing gears such as hook and line set gill nets shall be allowed.

For the protection and sound management of the area it shall therefore be unlawful for any person as defined in this ordinance to undertake fishery activities within the designated and/or specified fish sanctuary (core area).

ROMY VIOJAN
SB Member/Temp. Pres. Officer

DEAN AARON G. LAURON
SB Member-Sk Fed. Pres.

JOSE LUIS GUHA
SB Member-Liga Fed. Pres.

OTHELLO M. CRISOSTOMO
SB Member

LORNA A. MARPA
SB Member

GUILLERMO I. PANAL
SB Member

REYNALDO A. BODO
SB Member

ARMANDO M. NEGADO
SB Member



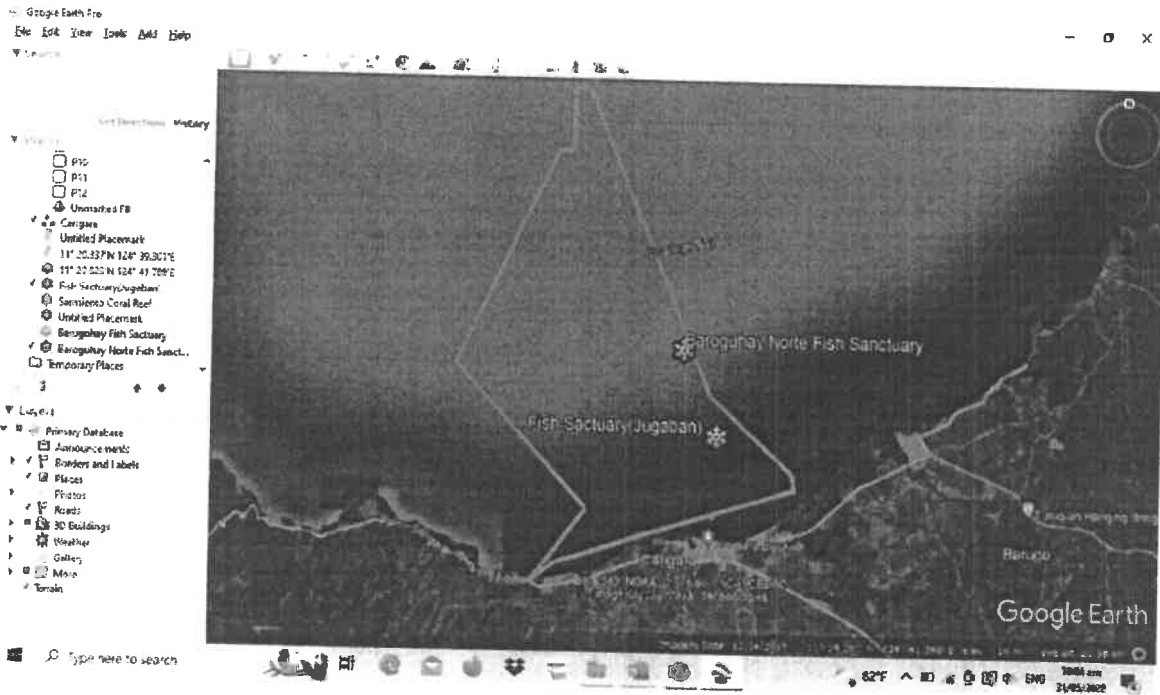
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embodying Ord. No. 2022-130



CHAPTER V

FISHERY LICENCES AND PERMITS

Section 14. PERSON ELIGIBLE FOR FISHING PRIVILEGES. The Carigara Municipal Fisherfolks and their organizations shall be given preferential option in the grant of fishing privileges. Provided that duly registered fisherfolk organizations/cooperatives shall have preference in the grant of fishery rights by the Sangguniang Bayan pursuant to Section 149 of the Local Government Code 1991.

It shall be unlawful for any person not qualified under this Ordinance to engage personally or through other person to collect/gather and culture fish and other fishery/aquatic products in waters within the jurisdiction of this municipality.

All registered fisherfolk shall always carry with him/her fishing license whenever actually engaged in fishing activities.

Section 15. FISHERY LICENSE AND PERMIT. All individuals, associations, cooperatives, partnerships, firms and corporations that are located and operating in the municipality shall be issued Fishery License upon payment of the prescribed fees, provided however, that all

LORNA A. MARPA
SB Member

GUILLELMO I. PANAL
SB Member

REYNALDO A. BODO
SB Member

ARMANDO M. NEGADO
SB Member

OTHELLO M. CRISOSTOMO
SB Member

JOSELUA, GUIA
SB Member-Liga Fed. Pres.

DEAN AARON G. LAURON
SB Member-SK Fed. Pres.

SIMRAY A. CAMPOSANO
SB Member/ Temp. Pres. Officer



REPUBLIC OF THE PHILIPPINES
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OFFICE OF THE SANGGUNIANG BAYAN

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embodying Ord. No. 2022-130

report to the MAO Fishery Personnel the type of species and volume of production.

Section 25. Auxiliary invoice. No person, as defined in this ordinance, shall transport fish and other fishery products derived from the Municipal of Carigara, Leyte without first securing an auxiliary invoice or permit to transport from the Municipal Management and Licensing Unit of the Municipal Agriculturist Office and paying the corresponding fees prescribed for the purpose.

All fish other fishery /aquatic products landed in this municipality shall be subjected to regulatory inspection and must have an auxiliary invoice to be issued by the Municipal Fishery Licensing Unit prior to the transport from the point of origin to their point of destination in the Philippines and or export purpose upon payment of fee at the rates prescribed in Section 22 hereof.

CHAPTER VI

THE CFLET, MFARMC, BFARMC & BANTAY ILOG

Section 26. THE CARIGARA FISHERY LAW ENFORCEMENT TEAM/BANTAY DAGAT. The Carigara Fishery Law Enforcement Team (CFLET) or Bantay Dagat shall be composed of the officers and members of the MFARMC, LGU Personnel Deputized by the Municipal Mayor, Philippine National Police (PNP) and with the assistance Philippine Coast Guard (PCG), Philippine Maritime Police and BFAR.

Thru this Ordinance, the Bantay Dagat or the Carigara Fishery Law Enforcement Team (CFLET) shall apprehend illegal fishers as a result of its own surveillance and/or report from the BFARMC. Aside from its surveillance and apprehension operations, the CFLET shall issue auxiliary invoice, entrance fee ticket and also assist licensed fishermen whose legal fishnets were entangled underneath the waters and if necessary, assist water search and rescue. CFLET/Bantay Dagat shall issue Citation Ticket to an illegal fisher. Original copy of such notice shall be issued to the fisher while the duplicate shall be submitted to the Municipal Treasurer who receives the penalty fee.

Section 27. COMPOSITION AND FUNCTIONS OF THE MUNICIPAL FISHERIES AND AQUATIC RESOURCE MANAGEMENT COUNCIL (MFARMC). Pursuant to Section 69 of the Philippine Fisheries Code of 1998 (RA10654), the MFARMC shall be established in this municipality. The Local Government Unit (LGU) shall provide assistance to the MFARMC.

The regular members of the MFARMC shall be composed of the following:

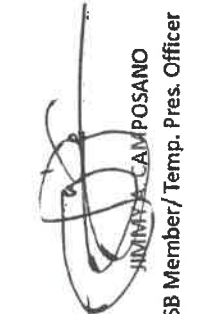
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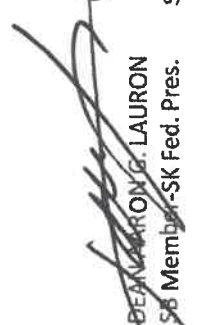
LORNA A. MARPA
SB Member



GUILLERMO PANAL
SB Member


REYNALDO A. BODO
SB Member

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DESMARION G. LAURON
SB Member-SK Fed. Pres.


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SB Member-Liga Fed. Pres.


OTHELLO M. CRISOSTOMO
SB Member