

Item No.: 01

Date: 07 2025 OCT



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

-oOo-

Province of Leyte
Legal Office
Date: 9-24-25

Sangguniang Panlalawigan
Province of Leyte

RECEIVED

Date: SEP 29 2025
By: [Signature]

PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT
September 15, 2025

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 504 of the Sangguniang Bayan of Babatngon, Leyte.

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

- Ordinance No. 504 entitled: **“An Ordinance Amending Section 11 of Municipal Ordinance No. 170”**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office opines that the subject Ordinance is, in general, within the legislative authority of the Sangguniang Bayan to repeal/amend its prior acts either expressly or by the passage of an essentially inconsistent resolution¹. Hence, we recommend for 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 the 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
Provincial Legal Officer 

¹ (Constantino vs. Desierto, 288 SCRA 654) April 13, 1998

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte
-000-

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
11 September 2025

Province of Leyte
Legal Office
Jill S. Uyvico
09-11-2025

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein **Ordinance No. 504** of the **Municipality of Babatngon, Leyte**, entitled: **An Ordinance amending Section 11 of Municipal Ordinance No. 170, "An Ordinance revising and modifying the Municipal Fisheries Ordinance of the Municipality of Babatngon, Leyte and for other purposes.**



FLORINDA JILL S. UYVICO
Secretary to the Sanggunian



OFFICE OF THE SANGGUNIANG BAYAN

09 September 2025

Honorable Leonardo M. Javier, Jr,
Vice Governor and Presiding Officer, and

The Honorable Members
Sangguniang Panlalawigan
Province of Leyte
Legislative Bldg., Capitol Grounds
Tacloban City



Dear Honorable Ladies and Gentlemen,

Respectfully endorsed to the Honorable Sangguniang Panlalawigan of Leyte is **ORDINANCE NO. 504, "AN ORDINANCE AMENDING SECTION 11 OF MUNICIPAL ORDINANCE NO. 170, ENTITLED: "AN ORDINANCE REVISING AND MODIFYING THE MUNICIPAL FISHERIES ORDINANCE OF THE MUNICIPALITY OF BABATNGON, LEYTE AND FOR OTHER PURPOSES."** Said ordinance is being forwarded to that Body for review in compliance with Section 56(a) of Republic Act 7160.

Enclosed please find the following:

1. **ORDINANCE NO. 504**
2. **Certificate of Posting**
3. **Certificate of Public Hearing**
4. **Photocopy of Ordinance No. 170**

Please find them in order and praying for your favorable action thereof.

Very truly yours,


ALMA A. BALDOMAR
Secretary II
Secretary to the Sanggunian-designate

Enclosed:
As stated





RELEASED

BY: *AB*
DATE: 09 Sept. 2025
TIME: 9:30 AM

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 6th REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BABATNGON, LEYTE HELD ON THE 12th DAY OF AUGUST 2025 AT THE SB SESSION HALL, LEGISLATIVE BUILDING, BABATNGON, LEYTE.

MAYOR'S OFFICE
BABATNGON, LEYTE

RECEIVED

BY: *AB*
DATE: 09/09/25
TIME: 4:13 PM

ORDINANCE NO. 504
Series of 2025

RECEIVED
10 SEP 2025
11:20 AM
PROVINCE OF LEYTE

AN ORDINANCE AMENDING SECTION 11 OF MUNICIPAL ORDINANCE NO. 170, "AN ORDINANCE REVISING AND MODIFYING THE MUNICIPAL FISHERIES ORDINANCE OF THE MUNICIPALITY OF BABATNGON, LEYTE AND FOR OTHER PURPOSES.

Introduced by: HON. ILDEFONSO B. ODON
Sangguniang Bayan Member

Be it ordained by the Sangguniang Bayan of the Municipality of Babatngon, Leyte in session assembled:

SECTION 1. Title - This ordinance shall amend Section 11 of Municipal Ordinance No. 170, and shall be known as "An Ordinance Amending Section 11 of Municipal Ordinance No. 170 and For Other Purposes."

SECTION 2. Amendment - SECTION 11 of Municipal Ordinance No. 170 shall now read as follows:

"SECTION 11. - Issuance of Individual Licenses – The Municipal Mayor is authorized to grant privilege of constructing/erecting fish corral/traps/bunoan/fish pen, fishcages, oyster/mussel/pearl and seaweeds farm or catching of fish fry with definite area or portion thereof at the rate /fees not exceeding these fixed hereunder:

	<u>LICENSE FEE</u>
1.) Fish Corrals/Traps/Bunoan constructed in the sea Fifteen (15) meters deep and below Specified rate is good for every 10,000 sq.m.	<u>PhP 2,000.00</u>
More than Fifteen (15) meters deep All of the above must use 4 cm.-up mesh size	<u>PhP 2,000.00 for the first 15 meters and PhP 100.00 per additional meter and PhP 100.00 per sq.m. in excess of 10,000.00 sq.m.</u>

SECTION 3. – Repealing Clause. – All other existing municipal ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed, amended or modified according.

SECTION 4. - Separability Clause. If any portion or provision of this ordinance is declared unconstitutional or invalid, the other portion or provisions thereof which are not affected thereby, shall continue in full force and effect.





➤ **ORDINANCE NO. 504**

S. of 2025 "AN ORDINANCE AMENDING SECTION 11 OF MUNICIPAL ORDINANCE NO. 170 AN ORDINANCE REVISING AND MODIFYING THE MUNICIPAL FISHERIES ORDINANCE OF THE MUNICIPALITY OF BABATNGON, LEYTE AND FOR OTHER PURPOSES.

SECTION 5. - Effectivity. This ordinance shall take effect three (3) weeks after copies thereof are posted in conspicuous places.

ENACTED and APPROVED this 12th day of August 2025 at Babatngon, Leyte.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.

ALMA A. BALDOMAR
Secretary II
Secretary to the Sanggunian-Designate

ATTESTED BY:

HON. ROSARY PEARL G. CATUDIO
Municipal Vice-Mayor and
Presiding Officer

HON. KEMUEL RUE M. CORSIGA
Sangguniang Bayan Member

HON. CHRISTIAN C. LAWSIN
Sangguniang Bayan Member

HON. MA. RESTITA D. DANTE
Sangguniang Bayan Member

HON. HILARION S. MENZON
Sangguniang Bayan Member

HON. CHONA ROSE B. LUGNASIN
Sangguniang Bayan Member

HON. FEDERICO P. ELIZAGA, JR.
Sangguniang Bayan Member

HON. ALEX V. BELLO
Sangguniang Bayan Member

HON. ILDEFONSO B. ODON
Sangguniang Bayan Member

HON. EDGARDO Y. MORDEN
President
Liga ng mga Barangay

HON. JUDE LEMWEL B. VETHIMVAS
President, Pambayang Pederasyon ng
Sangguniang Kabataan

APROVED:

HON. ELEONOR B. LUGNASIN
Municipal Mayor

Date: 18 Sept. 2025





OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

TO WHOM THIS MAY CONCERN:

This is to certify that POSTING in prominent places in the Municipal Hall and some conspicuous places in the locality was undertaken starting 09 September 2025 and copies of said ordinance shall remain posted for three (3) consecutive weeks, pursuant to Sec. 59 (b) of Republic Act 7160, in relation to hereunder ordinance, to wit:

- 1. ORDINANCE NO. 504 – AN ORDINANCE AMENDING SECTION 11 OF MUNICIPAL ORDINANCE NO. 170, “AN ORDINANCE REVISING AND MODIFYING THE MUNICIPAL FISHERIES ORDINANCE OF THE MUNICIPALITY OF BABATNGON, LEYTE AND FOR OTHER PURPOSES.**

Made this 9TH day of September 2025 at Babatngon, Leyte.

A handwritten signature in black ink, appearing to read "AAB".

ALMA A. BALDOMAR
Secretary II
Secretary to the Sanggunian-designate



Republic of the Philippines
Province of Leyte
Municipality of Babatngon



OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

TO WHOM THIS MAY CONCERN:

This is to certify that Ordinance No. 504, entitled: "AN ORDINANCE AMENDING SECTION 11 OF MUNICIPAL ORDINANCE NO. 170, "AN ORDINANCE REVISING AND MODIFYING THE MUNICIPAL FISHERIES ORDINANCE OF THE MUNICIPALITY OF BABATNGON, LEYTE AND FOR OTHER PURPOSES." was presented to the public and concerned sectors in a public hearing held on 31 July 2025 at Brgy. District 3, Babatngon, Leyte.

Made this 9th day of September 2025 at Babatngon, Leyte.

A handwritten signature in black ink, appearing to read "A. B.", positioned above the printed name.

ALMA A. BALDOMAR
Secretary II
Secretary to the Sanggunian-designate





SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 76TH REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BABATNGON, LEYTE HELD ON THE 5TH DAY OF APRIL 2000 AT THE SB SESSION HALL.

RESOLUTION NO. 1092-2000

A RESOLUTION ADAPTING MUNICIPAL ORDINANCE NO. 170, THE REVISED AND MODIFIED FISHERIES ORDINANCE OF THE MUNICIPALITY OF BABATNGON, LEYTE.

Presented for consideration is the revised and modified fisheries ordinance of the Municipality of Babatngon, Leyte, pursuant to Republic Act 8550, "The Philippine Fisheries Code of 1998".

THEREFORE, on motion of Honorable Nolan D. Caburubias duly seconded by Honorable Federico O. Dimpas, Jr., be it

RESOLVED, as it hereby resolves, to adapt Municipal Ordinance No. 170, "The revised and modified fisheries ordinance of the Municipality of Babatngon, Leyte";

RESOLVED FINALLY, to enact the following ordinance:

ORDINANCE NO. 170

AN ORDINANCE REVISING AND MODIFYING THE MUNICIPAL FISHERIES ORDINANCE OF THE MUNICIPALITY OF BABATNGON, LEYTE AND FOR OTHER PURPOSES.

Introduced by: *Honorable Nolan D. Caburubias*

Be it ordained by the Sangguniang Bayan of the Municipality of Babatngon, Leyte, in session assembled:

Section 1. - Title. -This ordinance shall revise and modify the existing Municipal

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Fisheries Ordinance No. 109 and shall be known as the "Amended Municipal Basic Fisheries Ordinance of the Municipality of Babatngon, Leyte", in conjunction with Republic Act No. 8550.

Section 2. - Purpose. - The main objective of this ordinance is to acquire full authority to ensure the rational sustainable utilization, development, management and conservation of Fisheries and Aquatic Resources of this municipality.

Section 3. - Application of this ordinance. - The provisions of this ordinance shall be enforced in:

- 3.1 The municipal waters of the Municipality of Babatngon, Leyte as defined under this ordinance;
- 3.2 All Aquatic fisheries resources whether inland or coastal areas, including but not limited to fishpond, fish pens/cages, oyster, mussel, pearl and sea weeds farm;
- 3.3 All lands devoted to aqua culture, or business and activities relating to fishery, whether private or public lands.

Section 4. - Declaration of Policy. - It shall be the policy of the Municipality of Babatngon, Leyte, to ensure rational management, protection and conservation of its resources in order to achieve food security and sustainability of fishery products by its people for their daily food sustenance.

Section 5. - Definition of Terms: As used in this code, the following terms and phrases shall mean as follows:

- 1.) **Ancillary Industries** - firms and companies related to the supply, construction, maintenance of fishing vessels, gears, nets and other fishing paraphernalia, machine shops and other facilities such as: hatcheries, nurseries, feed plants, cold storage, refrigeration and processing plants and other pre and post harvest facilities.
- 2.) **Appropriate Fishing Technology** - adaptable technology in both fishing; and ancillary industries, that are ecologically sound, locally source-based and labor intensive.
- 3.) **Aqua culture** - fishery operations involving all forms of raising and culturing fish and other fishery species in fresh, brackish waters and marine areas.
- 4.) **Aquaculture Pollution** - the introduction by human or machine, directly or indirectly, of substances or energy to the aquatic environment which result or is likely to result in such deleterious effects as to harm living and non-living aquatic resources, pose potential and/or real hazard to human health, hindrance to aquatic activities, such as fishing and navigation, including dumping/disposal of waste and other marine litters, discharge of petroleum or carbonaceous materials/substances and other radio-active, noxious or harmful liquid, gaseous or solid substances, from any water, land or air transport or man-made structure. Deforestation, unsound agricultural practices, such as; the use of banned chemicals, intensive use of artificial fish feeds and wetland conversion which cause similar hazard and deleterious effect shall also constitute aquatic pollution.
- 5.) **Artificial Reef** - any structure of natural or man-made materials places on the body of water to serve as shelter and habitat, source of food, breeding areas for fishery species and shoreline protection.

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- 6.) **Aquatic Resources** – includes fish and all other aquatic flora and fauna and other living resources of the aquatic environment, including, but not limited to salt and corals.
- 7.) **Closed Season** – the period during which the taking of specified fishing species by a fishing gear is prohibited in a specified area of the municipal waters.
- 8.) **Coastal area/zone** – is a band or dry land and adjacent ocean space (water and submerged bed) in which terrestrial processes and uses directly affect oceanic processes and uses, and vice versa, its geographic extent may include mangrove swamps, Estuarine rivers, sandy beaches and other areas within a seaward; limit of 200 meters isobath to include coral reefs, algal flats, sea grass beds and other soft-bottom areas.
- 9.) **Commercial Fishing** – the taking of fishery species by passive or active gear for trade or profit beyond subsistence or sport fishing, to further classified as:
1. **Small scale commercial fishing** – fishing with passive or active gear utilizing fishing vessels of 3.1 gross tons (GT) up to twenty (20) GT;
 2. **Medium scale commercial fishing** – fishing utilizing active gears and vessels of 20.2 GT up to one hundred fifty (150) GT; and
 3. **Large scale commercial fishing** – fishing utilizing active gears and vessels or more than one hundred fifty (150) GT.
- 10.) **Commercial Fishing Vessel/Boat** – fishing with active or passive gear utilizing fishing vessels or 3.1 gross tonnage or more.
- 11.) **Electro Fishing** – the use of electricity generated by either batteries, electric generators and other sources of electric power to kill, stupefy, disable or render unconscious fish or fishery species, whether or not the same are subsequently recovered.
- 12.) **Fine Mesh Net** – net with mesh size of less than three (3) centimeters (cm) measured between two (2) opposite knots of a full mesh when stretched or as otherwise determined by the appropriate government agency.
- 13.) **Fish and Fishery/Aquatic Products** – include not only fin fish, but also, mollusks, crustaceans, echinoderms, marine mammals, and all other species of aquatic flora and fauna and all other products of aquatic living resources in any form.
- 14.) **Fish Cage** – refers to an enclosure which is either stationary or floating, made up of net or screens, sown or fastened together and installed in the water with opening at the surface or covered and held in a place by wooden/bamboo post or various types of anchors and floats.
- 15.) **Fish Corrals or Baklad** – a stationary wire or trap devised to intercept or capture fishery species with rows of bamboo stakes, plastic nets and other materials with split bamboo matting with one or more enclosures, usually with easy entrance, but difficult exit, and with or without leader to direct the fish to the catching chambers, purse or bags.
- 16.) **Fish Pen** – 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 netting to prevent escape of fish.
- 17.) **Fisherfolk Cooperative** – duly registered association of fisherfolks, with a common bond of interest, who have voluntarily joined together to achieve a lawful common social or economic end, making equitable contribution to the capital requirement and accepting

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a fair share of the risk and benefits of the undertaking in accordance with the universally accepted cooperative principles.

- 18.) **Fisherfolk Organization** – an organized group, association, federation, alliance or institution of fisherfolk which has at least fifteen (15) members, a set of officers, a constitution and by-laws, an organizational structure and a program of action.
- 19.) **Fisheries** – refers to all activities relating to the act of business of fishing, culturing, preservation, processing, marketing, developing, conserving, and ranging aquatic resources and the fishery areas including the privileges to fish or to take aquatic resources thereof.
- 20.) **Fishpond** – a land base facility enclosed with earthen or stone materials to impound water for growing fish.
- 21.) **Fishing Boat/Gear License** – a permit to operate specific types of fishing boat/gear, specific duration in municipal waters for demersal or pelagic fishery resources.
- 22.) **Fishery Operator** – one who owns and provides the means including land, labor capital, fishing gears and vessels, but not personally engaged in fishery.
- 23.) **Fishery Refuge and Sanctuaries** – 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.
- 24.) **Fishery Reserve** – a designated area where activities are regulated and set aside for educational and research purposes.
- 25.) **Fishing** – the taking of fishery species from their wild state or habitat, with or without the use of fishing vessels.
- 26.) **Fishery Species** – all aquatic flora and fauna including, but not restricted to fish, algae, coelenterates, mollusks, crustaceans, echinoderms and cetaceans.
- 27.) **Fishing Gear** - any instrument or device and its accessories utilized in taking fish and other fishery vessels.
- 1.) **Active Fishing Gear** – is a fishing characterized by gear movement, and/or pursuit of the target species by towing, lifting and pushing the gears, surrounding, covering, dredging, pumping and scaring the target species to impoundments, such as but not limited to trawl, purse seines, hulbot-hulbot (Danish seines) and barring or pealing.
 - 2.) **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, fishpot, traps, and gill net across the path of the fish.
- 28.) **Fishing Vessel** – any boat, ship or other watercraft equipped to be used for taking of fishery species or aiding or assisting one (1) or more vessels in the performance of any activity relating to fishing, including, but not limited to, preservation, supply, storage, refrigeration, transportation and/or processing.

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29.) under controlled conditions, for purposes of rearing and harvesting, but not limited to commercially important fishes, mollusks (such as pearl and giant clam culture), including sea weeds and sea grasses.

30.) **Superlight** – also called magic light, is a type of light using halogen or metal halide bulb 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 coupled with the main engine.

Section 6. – Municipal Waters. – For the purpose of this ordinance, the word municipal waters include not only streams, lakes, inland bodies or waters and tidal waters within the municipality which are not included within the protected areas as defined under R.A. 7586 (The Nipas Law), public forest, timberland, forest reserves, fishery reserves, but also, marine waters included between two lines drawn perpendicular to the general coastline from points where the boundary line of the Municipalities of Sta. Rita, Samar and San Miguel, Leyte touch the sea at low tide and a third line shall be equally distant from the opposite shore of the respective municipality.

Section 7. – Division and Classification of Municipal Waters - The municipal waters within the jurisdiction of this municipality shall be divided and classified as follows:

A. **Zone I.** For Fish shelter (bobo)/arong/ culture/ catching of other species.

From the boundary of San Miguel to Barangay District 1, Rawis Kan Sabel (Calangawan).

B. **Zone II.** For the operation of marine culture.

From Barangay District 1, Rawis Kan Sabel (Calangawan) point to Sangputan (Naba-ay Island).

C. **Zone III.** For the operation of fish corrals, cages, fish pens.

From Sangputan boundary of Malibago to the boundary of Tacloban City.

D. **Zone IV.** For the catching of or taking of Bangus fry or “kawag-kawag”.

From Barangay District 4 to outside of Calangawan Island.

E. **Zone IV-A.** Government Fry Reservation.

Calangawan Island to Rizal 1.

F. **Zone V.** For the culture/catching of other species including jellyfish and sea cucumber.

From Barangay Rizal 1 to the boundary of Tacloban City.

The Sangguniang Bayan of the Municipality of Babatngon, Leyte shall set aside not more than 1/5 of the area earmarked for the gathering of fry in Zone IV-A of Section 7 of this ordinance.

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Section 8. – Users of Municipal Waters. – All fishery related activities in the municipal waters of the Municipality of Babatngon as defined in this ordinance shall be utilized by the municipal fisherfolk and their cooperative/organization whose members are listed as such in the Municipal Registry of Fisherfolk.

Section 9. – Grants and Privileges. – No concessions, licenses, permits, leases and similar privileges for the establishment or operation of fish corrals, fish pens, fishes cages, oyster/mussels/pearl and seaweeds farm and similar structure in the municipal waters shall be granted except to local municipal fisherfolk and their cooperative or organization whose members appears in the Municipal Registry of Fisherfolk.

Section 10. – Exclusive Fishery Privilege. – Operating fish corral/traps, fish pen, fish cages, mussels/oyster/pearl/seaweeds farm or gathering/catching of fish fry of any specie for propagation be considered as exclusive fishery privileges which shall be granted to the highest bidder in public bidding held according to the provision of this ordinance. Organization/cooperative of local marginal fishermen whose members appears in the registry of Municipal Fisherfolk shall have preferential right to such privileges.

The Sangguniang Bayan shall grant to the highest qualified bidder of exclusive fishery privilege with the approval of the Municipal Mayor for a period of five (5) years; Provided, that these grants of exclusive fishery privileges shall be under such conditions that one tenth (1/10) of the area of each zone is set aside as municipal reserved for demonstration and research purposes.

Section 11. – Issuance of Individual Licenses in case no Bidders are up to lease a fishing zone. – The Municipal Mayor is authorized to grant privilege of constructing/erecting fish corral/traps/fish pen, fish cages, oyster/mussel/pearl and seaweeds farm or catching of fish fry with definite area or portion thereof at the rate/fees not exceeding these fixed hereunder:

	<u>Annual Fee</u>
1.) Fish Corrals/Traps constructed in the sea.	
License Fee	P 100.00
Less than three (3) meters deep	200.00
Three (3) meters deep or more but less than Six (6) meters deep	300.00
Six (6) meters deep or more but not less than Ten (10) meters deep	400.00
Ten (10) meters deep or more but not less than Fifteen (15) meters deep or more	500.00
Fifteen (15) meters deep or more	600.00
Specified rate is good for every 10,000 sq.m. Using 3 cm.-up mesh size	200.00
2.) Fish corral constructed in inland waters:	
License Fee	P 100.00
With an area of less than 500 sq.m.	200.00
With an area of 500 sq.m. but less than 1,000 sq.m.	300.00
With an area of 1,000 sq.m. but less than 5,000 Sq.m.	500.00
With an area of 5,000 sq.m. to 10,000 sq.m.	1,000.00

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3.) Operation of Fish Pen, Fish Cage, Oyster,		
Mussel, Pearl and seaweeds farm per 10,000		
Sq.m. or below.	-	1,000.00
License Fee	-	100.00
4.) For gathering of fish fry per 10,000 sq.m.		
Or below	-	1,000.00

Section 12. - License, Permit, Fishery Grant. - The privilege of taking or catching fish on municipal waters of the Municipality of Babatngon with nets, traps and other fishing gears allowed/authorized by this ordinance and RA 8550, shall be granted under ordinary license permit issued by the Municipal Mayor to any person, association or cooperative/corporation qualified under Section 8 of this ordinance upon proper inspection of the Licensing Unit of the Office of the Municipal Agriculture of this municipality and upon payment of the corresponding fees for fishing gear applied for.

Section 13. - Registry of Municipal Fisherfolk and Marginal Fishermen.

The Municipal Mayor or his duly authorized representative shall maintain a Registry of Municipal Fisherfolk and Marginal Fishermen, who are fishing or may desire to fish in municipal waters for the purpose of determining priorities among them, of limiting entry into the municipal waters, and of monitoring fishing activities and/or other related purposes: Provided, that the BFARMC shall submit to the MFARMC and shall then submit to the Municipal Mayor such list of priorities for its consideration.

Such list or Registry shall be updated every quarter or as may be necessary, and shall be posted in barangay halls or other strategic locations where it shall be open to public inspection, for the purpose of validating the correctness and completeness of the list. The Municipal Mayor, in consultation with the BFARMC and MFARMC shall formulate the necessary mechanism for "inclusion" and "exclusion procedures" that shall be most beneficial to the resident municipal fisherfolks. The MFARMC may likewise recommend such mechanism.

Section 14. - Registry of Municipal Fishing Vessels and/or Fishing Boats by Type and Gear and other Boat Particulars with the assistance of the BFARMC and MFARMC.

The Municipal Mayor shall also maintain a Registry of Municipal Fishing Vessels and Fishing Boats by type of gear used and other boat particulars with the assistance of the BFARMC and MFARMC.

- a) **Standard Registration form** - The department, through the BFAR, in coordination with NFARMC, shall assist the LGU in developing a standard registration form for Municipal Fishing Vessels and/or Fishing Boats, gears and Fisherfolks;
- b) **Criteria for Registration** - Residency in this municipality for at least six (6) months;
- c) **Use of Registry** - The Registry of Municipal Fisherfolks shall serve as basis for the identification of priority municipal fisherfolks who shall be allowed to fish within the municipal waters, but registration is not equivalent to a permit to fish.

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Section 15 - Registration of Municipal Fisherfolk.

- 15.1) There shall be an annual registration of Fisherfolk and Fishing Vessels and/or fishing boats by type of gear in this municipality. It shall be done by every barangay. The Secretary of the Barangay Fishery and Aquatic Resource Management Council (BFARMC) shall keep the record of the registry of all barangay fisherfolk and the registry of fishing vessels and/or fishing boats by type of gear within the jurisdiction of the concerned barangay.
- 15.2) The Secretary of the MFACRMC shall keep a complete record of the registry of barangay fisherfolk and registry of fishing vessels and/or fishing boats by type of gear of all barangays within this municipality.
- 15.3) The Secretary of the MFACRMC shall submit copies of the Registry of Barangay Fisherfolk and Registry of Fishing Vessels and/or Fishing Boats by type of gear for information and dissemination to the following persons on or before January 31:
 - 15.03.01) - The Municipal Mayor;
 - 15.03.02) - The Municipal Treasurer;
 - 15.03.03) - The Municipal Agricultural Fishery Officer;
 - 15.03.04) - The PNP - Chief of Police;
 - 15.03.05) - The BFARMC;
 - 15.03.06) - The MFACRMC;
 - 15.03.07) - One (1) copy to be posted at a prominent place of the respective barangay hall.

Section 16 - Registration of Fishing Vessels and/or Fishing Boats.

- 1.) Registration of Fishing Boats and/or Fishing Vessels-Owners or Operators of Fishing Boats/vessels of three (3) gross tons or less, engaged in fishing or fishery/aquatic products or not, motorized or non-motorized such as but not limited to vessels or fishing boats for private use or for hire are required to register and secure a Municipal Certificate of Registration from the Municipal Treasurer, renewable every year on or before January 31 and shall pay Registration Fee of Thirty Pesos (P30.00).

Registration Fee - P 30.00 (Annual Fixed Fee)

- 2.) In addition, the BFARMC Treasurer shall collect an Annual BFARMC Clearance Certificate Fee of Ten Pesos (P10.00) from owners or operators of Fishing Boats of three (3) gross tons or less, for the issuance of a BFARMC Clearance Certificate, certifying owner's residency at the Barangay he is registered. This amount shall be deposited with the Barangay Treasurer as a Trust Fund for the BFARMC.

BFARMC Certification/Clearance Fee - P 10.00 Annual Fixed Fee

Section 17 - Registration of Motorized and Non-Motorized Fishing Boats/Vessels/Pump Boat/Motorized Banca of Three (3) Gross Tons or less.

- 1.) Motorized, inboard engine of 16 H.P. or less - P 5.00 per H.P.
- 2.) Motorized, engine such as 3K, 4K, 5K and others - P 100.00 per engine

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Section 18. - For Effective Revenue Collection. - For an effective municipal revenue collection of fishing, fishery/aquatic resource taxes, fees and charges, surcharges or penalties, within the jurisdiction of the barangay concerned, a Memorandum of Agreement shall be entered into by and between the Municipal Treasurer and the Punong Barangays, to deputize the Barangay Treasurer to act as a Collection Clerk, and as such, to give incentive to the barangay government to work more for an effective collection, with the following sharing schedule:

Barangay Share	-	30% of gross receipts/collection
Municipal Share	-	70% of gross receipts/collection.

Section 19. - Mayor's Permit. - License to operate fishing vessels and/or fishing boats of three (3) gross tons or less (Required for Municipal and Commercial Fishing.) the owners, operators, leases of fishing vessels as defined in Section 131 and Section 19 of RA 8550, of three (3) gross tons or less, engaged in fishing and/or fishery/aquatic products or not, motorized or non-motorized, such as but not limited to "vessels" for private use or for hire, shall be subjected to the following License Fee:

		<u>Fixed Annual Fee</u>
Application Fee	-	P 5.00
Mun. Treasurer Clearance	-	20.00
Documentation Fee	-	30.00
Health Clearance Fee	-	20.00
Police Clearance Fee	-	30.00
Fire Prevention Inspection Fee	-	40.00
Mayor's Permit	-	50.00
Barangay Clearance	-	20.00
BFARMC	-	10.00

Section 20 - License Permit for Fishing Gears. - The privilege of taking or catching fish and/or any aquatic product in the Municipal Waters of this municipality with nets, traps, and other "passive fishing gears", with or without using therefore fishing boats/vessels of three (3) gross tons or less, shall be granted under a license permit issued by the Municipal mayor to any person(s), cooperative, partnership, association or corporation, qualified under the provisions of this ordinance, upon payment of the corresponding License Fee required therefore in the General Schedule.

GENERAL SCHEDULE OF LICENSE FEE

<u>Item No.</u>	<u>Kind of Fishing Gear</u> (such as nets, traps, or other fishing gears, local fishing gear only.)	<u>License Fee</u> (per year)
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FISHERMEN USING HAND OPERATED GEAR

1.	a.) Spear Gun (pana/sugod)	P 20.00
	b.) Harpoon (tugsod/sarapang/panibat)	P 20.00
	c.) Hook/Gaff (pan-alimango)	P 20.00
	d.) Gather of sea cucumber	P 500.00
	e.) Aquarium Species	P1,000.00

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FISHERMEN USING TRAPS/BARRIER

- | | | |
|----|------------------------|---------|
| 2. | a.) Fish Pots (bobo) | P 50.00 |
| | b.) Crab Pots (bentol) | 20.00 |

FISHERMEN USING NETS

- | | | |
|-----|--|-----------------|
| 3. | a.) Simple Lift Net | P 5.00/sq.m. |
| | b.) Gill Net (panti) | |
| | -bottom sit (palubog) | P 100.00/unit |
| | -drift gill net (paanod) | P 100.00/unit |
| | c.) Drive in net (tumbod) | P 500.00/unit |
| 4.) | Gathering of jellyfish and other species | - P 50.00/annum |

Section 21. – *Preferential Privilege Granted to Marginal Fishermen.*

Marginal Fishermen engaged in marginal fishing in marginal water shall be granted the privilege to take, gather, or catch fish only, using “passive fishing gear”, free from payment of the annual fees and/or charges provided for under Section 19 and 20 of this ordinance.

Section 22. – *Report of Fish Caught/Production.* - Any individual or entity who has obtained a fishery grant or license to take/catch or culture in the municipality shall submit to the Municipal Fishery Management Unit at the Office of the Municipal Agriculture their monthly fish caught/production report on the second week of the preceding month with this provision would be sufficient ground for the cancellation of this permit or license.

Section 23 – *Support to the Municipal Fisherfolk.* – The municipal government (LGU) shall provide support to the municipal fisherfolk to appropriate technology and research, credit, production and marketing assistance and other services such as, but not limited, to training for additional/supplementary livelihood.

Section 24. – *Transport of Fish ad Other Fishery Product.* – No person shall transport fish product derived from the municipal waters of this municipality without first securing permit to transport from the municipal fishery management unit at the Office of the Municipal Agriculture and paying the corresponding fees prescribed for the purpose.

SCHEDULE OF TRANSPORT FEES

5 – 10 kgs.	-	P 5.00
10-20 Kgs.	-	10.00
20-40 Kgs.	-	15.00
40-60 Kgs.	-	20.00
Basket of fingerlings	-	10.00

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Section 25 - Creation of the Municipal Fishery Management and Licensing Unit. A Municipal Fishery Management and Licensing Unit is hereby created in the Office of the Municipal Agriculture, whose function will be to undertake the processing and inspection of application for fishery license, permits or grants. It will assist the local PNP in the enforcement of this ordinance and other fishery laws. Likewise, it will undertake the consultation with the regional fishery management unit in the formulation in its municipal coastal resource management plan.

Section 26. – Creation of the Municipal Law Enforcement Team (FLET). - The Municipal Fishery Law Enforcement Team of this municipality is hereby organized composed of members of the PNP local command, Philippine Maritime Police, Deputized Fish Wardens, SB Committee Chairman on Agriculture and Fisheries and Peace and order, Barangay Officials, Officers of the duly recognized Fishery and Agriculture/Cooperatives/Council and other competent persons/volunteers/fishermen and member of the Municipal Fishery Management and Licensing Unit of the Office of the Municipal Agriculture. They shall be responsible for the enforcement of this ordinance and other fishery laws applicable in the municipal waters of Babatngon, Leyte.

Provided, that the “task force members” shall undergo an orientation/seminar, and after satisfactorily completed the requirement of such training, be deputized by the Municipal mayor as “fish wardens” of this municipality.

Provided Further, that the members of the “Bantay Dagat” shall actively participate in the formulation of policies in the development and conservation of fishery resources of this municipality.

Section 27 – Creation of the Municipal Bay Watch Organization. – In support to the function of the Municipal Fishery Law Enforcement Team (FLET), a Municipal Bay Watch Organization is created to be composed of all duly elected Barangay Chairmen of coastal and riverside barangays of the municipality and other barangay officials and officers of fishermen cooperatives/organization who had undergone proper orientation concerning fishery laws and being deputized by the Local Chief Executive or by the Secretary of Agriculture or its representative.

Members of the Municipal Bay Watch shall conduct surveillance and monitor illegal fishing activities in their respective barangays and relay such information to the Municipal Fishery Law Enforcement Team through any means of communication available for the purpose. They are also empowered to enforce fishery laws violated in their areas of jurisdiction.

Section 28. – Color Coding. – There shall be a designed a color coding scheme for the municipal water to include identifiable markings to be carried by the municipal fishing boat. The Carigara Bay Executive Council shall give and designate the color coding of the respective municipality-member of the CBEC.

Section 29 – Unauthorized Fishing or Engaging in Other Unauthorized Fisheries Activities. – No person shall exploit, occupy, produce, breed, culture, capture, or gather fish, fry or fingerlings of any fishery species of fishery products, or engage in any fishery activity within the municipal water of the Municipality of Babatngon, Leyte. without a license, lease or permit issued/approved by the municipal mayor.

Discovery of any person in the municipal water or the municipality as defined by this ordinance and RA 8550 where he has no permit or registration paper for a municipal fishing vessel shall constitute a prima facie presumption that the persons and/or vessels is

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engaged in unauthorized fishing. Provided, that fishing for daily food sustenance or for leisure which is not for commercial occupation or livelihood purposes, may be allowed.

Pursuant to RA 8550, any commercial fishing boat captain or the three (3) highest officers of the boat or fish worker who commits any of the above prohibited acts upon conviction shall be punished by a fine of P 2,500.00 per officer and crew member aboard the vessel and an imprisonment of six (6) months, confiscation of catch and all fishing gears and recommendation to the BFAR/Municipal Mayor for revocation of the license.

It shall be unlawful for any person not listed in the registry of municipal fisherfolks to engage in any commercial fishing activity in the municipal waters of the municipality. Any person found guilty violating this provision of this ordinance shall be punished by a fine of five hundred pesos (P 500.00) and confiscation of the catch.

Section 30 – Use of fine mesh net. – It shall be unlawful to engage in fishing using with size of less than three (3) centimeters measured between two (2) opposite knots of a full mesh when stretched. Provided, that the prohibition on the use of fine mesh net shall not apply to the gathering of fry, glass eels, elvers, tabios and alamang (hipon) and such species which by nature are small but already matured.

Pursuant to RA 8550 fishing with the use of fine mesh nets shall subject the offender to a fine of P 2,500.00 or imprisonment of six (6) months or both such fine and imprisonment at the discretion of the court. Provided, that if the offense is committed by a commercial fishing vessel, the boat captain /acting boat captain and master fisherman shall be subjected to the penalties provided herein. Provided further, that the owner operator of the commercial fishing vessel, who violates this provisions shall be subjected to the same penalties provided herein.

Section 31. – Use of Active Gear.

- 1.) The Boat Captain/Acting Boat Captain and Master/Master Fisherman of the vessel shall be fined Two Thousand Five Hundred pesos (P 2,500.00) and fish worker each to be fined One Thousand Five Hundred Pesos (P 1,500.00) and shall suffer the penalty of imprisonment from two (2) months to six (6) months or both such fine and imprisonment in the discretion of the court.
- 2.) All abandoned fishing paraphernalia used in the commission of the illegal fishing operation shall be confiscated and forfeited as deemed in favor of the local government to be disposed in accordance with law. However, in the event that somebody appears and claims to be the owner of the abandoned fishing paraphernalia, shall be presumed to be the illegal fisher, unless proven to the contrary.

Section 32 – Fishing through Explosive , Noxious or Poisonous Substance and/or Electricity.

- 1.) It shall be unlawful for any person to catch, take or gather or cause to be caught, taken or gather, fish or any fishery species in the municipal waters of Babatngon, Leyte with the use of electricity, explosive, noxious or poisonous substance such as sodium cyanide which will kill, stupefy, disable or render unconscious fish or fishery species, except for research, educational or scientific purposes only with the approval from the Department of Agriculture and properly endorsed by the LGU of Babatngon, Leyte.

It shall likewise so be unlawful for any person, corporation or entity to possess, deal in selling in any manner which have been illegally caught, taken or gathered.

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Pursuant to RA 8550, Section 88, the discovery of dynamites, other explosives and chemical compounds which contains combustible elements, noxious/poisonous substances, or equipment or device for electro-fishing in any fishing vessel or in the possession of any fisherfolk, operation, fishing boat, officials, or fish worker shall constitute prima facie evidence, that the same was used for fishing in violation of this ordinance and RA 8550, Section 88.

- 2.) Pursuant to RA 8550, Section 88, mere possession of explosive, noxious substances or electro-fishing devices for illegal fishing shall be punishable by imprisonment ranging from two (2) months to six (6) months.
- 3.) Pursuant to RA 8550, Section 88, actual use of explosive, noxious or poisonous substances or electro-fishing devices for illegal fishing shall be punishable by imprisonment of six (6) months without prejudice to the filing of separate criminal cases when the use of the same result to physical injury or loss of human life.
- 4.) Pursuant to RA 8550, Section 88, dealing in, selling or any manner disposing of for profit, illegally caught/gathered fishery species shall be punished by imprisonment ranging from four (4) months to six (6) months.
- 5.) In all cases enumerated above, the explosives, noxious or poisonous substances and electrical devices, as well as the fishing vessels, fishing equipment and catch shall be forfeited in favor of the municipality.

Section 33. – Aquatic Pollution. – Aquatic pollution, as defined in this ordinance shall be unlawful. Violation of the provision of this section, pursuant to RA 8550, Section 102, shall be punished by imprisonment of six (6) months and a fine of Two Thousand Five Hundred Pesos (P 2,500.00) plus an additional fine of P 2,500.00 per day until such violation ceases and the fines paid.

Section 34. – Ban on “Muro-Ami” and Other Methods and Gear Destructive to Coral Reefs and Other Marine Habitat. – It shall be unlawful for any person, natural or juridical, to fish with gear method that destroys coral reefs, sea grass beds, and other fishery marine life habitat as may be determined by the department. “Muro-Ami” and any of its variation, and such similar gear and methods that require diving, other physical and mechanical acts to pound the coral reefs and other habitat to entrap, gather or catch fish and other fishery species are also prohibited.

The operator, boat captain, master fisherman, and recruiter or organizer of fish workers who violates this provision shall suffer a penalty of three (3) months to six (6) months imprisonment and a fine of P 2,500.00 each, or both such fine and imprisonment at the discretion of the court. The substance taken from the marine habitat shall be confiscated.

Section 35. – Illegal Use of Superlight. – It shall be unlawful to engage in fishing with the use of superlights in municipal waters.

Violators of the prohibition shall suffer the following penalties:

- 1.) The owner/operator/boat captain of the vessel shall be fined P 2,500.00 each and fishworker each fined P 1,500.00 each and shall suffer the penalty of imprisonment from three (3) months to six (6) months or both such fine and imprisonment in the discretion of the court.
- 2.) The superlight, fishing gear and vessel shall be confiscated and forfeited in favor of the municipality.

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Section 36. – Fishing in Fishery Reserves, Refuge and Sanctuaries. – It shall be unlawful to enter, pass or fish in fishery areas declared by the municipality as fishery reserves, refuge and sanctuaries; Provided, that small bancas used by marginal fishermen shall be allowed to pass near the fishery areas only in cases of extreme emergency during typhoons.

Violation to the provision of this section shall be punished by imprisonment of two (2) months to four (4) months and a fine of P 2,000.00 to P 2,500.00 and by forfeiture of the catch and the cancellation of fishing permit or license.

Section 37. – Conversion of Mangrove Area to Fishponds. – It shall be unlawful to convert mangrove areas and plantations to fishponds or any form of inland fishery activity.

Violation to the provision of this section shall be punished by imprisonment of two (2) months to four (4) months or a fine of not less than P 2,000.00 but not exceeding P 2,500.00, or both such fine and imprisonment in the discretion of the court.

Section 38. – Catching, gathering, selling and purchasing mature milkfish. – It shall be unlawful for any person to catch, gather, capture, possess, sell or purchase mature milkfish or “sabalo” and such other fishery species as may be determined by the Office of the Municipal Agriculture.

Violation to the provision of this section will be punishable to a fine of not less than P 2,000.00 but not exceeding P 2,500.00 plus forfeiture of the catch in favor of the municipality and revocation of fishery license and permit.

Section 36. – Other Violations. – The following fishery activities shall be considered as violations of this ordinance:

- a.) Failure to submit monthly fish caught or production. The license, lease or grantee of a fishing privilege within the municipal waters of Babatngon, Leyte who fails to submit their consolidated monthly fish caught/production shall be subjected to the following penalties;
 - 1.) First Offense; a fine of P 100.00 per unreported month.
 - 2.) Second Offense; a fine of P 200.00 per unreported month of the annual period.
 - 3.) Third Offense; cancellation or denial for renewal of license permit or grant.
- b.) Construction Operation of Fish Corrals, Traps, Fish Pens, Fish Cages, Oyster/Mussel/Pearl and Sea weeds Farm without a license/permit or grant to operate. Likewise nothing in the provision shall be construed as permitting the leasee/permittee or grantee to undertake any construction which will cause obstruction to navigation or flow or ebb of tide. Provided, that fish corrals, traps, fish pens, cages, seaweeds and pearl/oyster/mussel shall be constructed within 100 meters of another structure/farm belonging to the same person or entity. In no case shall it have a distance of not less than 50 meters; Provided Further, that existing fish traps shall be tolerated but owners of these traps shall be obliged to pay the necessary fees and secure permits for one year only. In the following year, stipulations of this ordinance shall be strictly implemented.

Pursuant to RA 8550, Section 104(e), violation to the above prohibition shall

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...to a fine ranging from P 2,000.00 to P 2,500.00, or an imprisonment from One (1) month and one (1) day to six (6) months, or both such fine and imprisonment upon the discretion of the court. Provided further, that the local chief executive is hereby empowered to impose upon the first time offender to this prohibition an administrative fine of not less than P 2,000.00 or to cancel his license, permit or to impose such fine and to cancel his permit or license in the discretion of the mayor.

Section 40. – Repealing Clause. – Ordinance 109, otherwise known as the “An ordinance regulating fishing and fisheries in the Municipality of Babatngon, Leyte” and other existing fishery ordinances, laws, rules or parts hereof which are inconsistent with this ordinance, are hereby repealed, amended or modified accordingly.

Section 41. – Separability Clause. – If any portion or provision of this ordinance is declared unconstitutional or invalid, the other portion or provisions thereof which are not affected thereby, shall continue in full force and effect.

Section 39. – Effectivity. - This ordinance shall take effect three (3) weeks after copies hereof are posted in conspicuous places.

ADOPTED this 5th day of April 2000 at Babatngon, Leyte.

I HEREBY CERTIFY to the correctness of the foregoing resolution and ordinance.


MARCELINO B. PULMA
Municipal Secretary

ATTESTED:

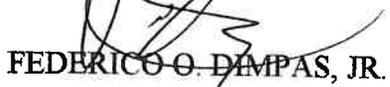

EDUARDO M. GALAPON, JR.
Municipal Vice Mayor


GONZALO M. ALVAREZ
SB Member


JESSICA C. ROBLE
SB Member


PORFERIO D. DELA CRUZ
SB Member

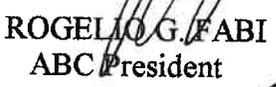

NOLAN D. CABURUBIAS
SB Member


FEDERICO O. DIMPAS, JR.
SB Member


CESAR C. ERASQUIN
SB Member


RAFAEL T. DELIS
SB Member

FLORDELISA M. CAVOSORA
SB Member


ROGELIO G. FABI
ABC President


JESSIE M. ENGLE
SKMF President

APPROVED:


ARTEMIO C. CAÑETE
Municipal Mayor

APPROVED

4-12-2000
DATE

EFFECTIVITY - 05-11-2000