



Republic of the Philippines  
PROVINCE OF SORSOGON  
MUNICIPALITY OF GUBAT

## Office of the Sangguniang Bayan

EXCERPTS FROM THE MINUTES OF THE 40<sup>th</sup> REGULAR SESSION OF THE SANGGUNIANG BAYAN OF GUBAT, SORSOGON HELD ON MONDAY, NOVEMBER 20, 2017 AT THE SANGGUNIANG BAYAN SESSION HALL.

PRESENT:

HON. SIXTO F. ESTAREJA	- Municipal Vice Mayor/P.O.
HON. JOHN PAUL E. ERLANO	- Member, Sanggunian Bayan
HON. CESAR D. ESPERIDA, JR.	- Member, Sanggunian Bayan
HON. DANILO E. ENAJE	- Member, Sanggunian Bayan
HON. KENNETH D. ESCANDOR	- Member, Sanggunian Bayan
HON. ANTHONY C. CALLOS	- Member, Sanggunian Bayan
HON. VALENTIN A. PURA IV	- Member, Sanggunian Bayan
HON. AIZA E. ENCINARES	- Member, Sanggunian Bayan
HON. RAMON E. ENTICO	- Member, Sanggunian Bayan

ABSENT:

HON. NELSON E. QUINONES	- Liga ng mga Barangay President
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### MUNICIPAL ORDINANCE NO. 2017 - 011

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Hon. Kenneth D. Escandor, Hon. Anthony C. Callos, Hon. Valentin A. Pura IV,  
Hon. Ramon E. Entico, and Hon. Aiza E. Encinares*

A COMPREHENSIVE MUNICIPAL ORDINANCE PROVIDING FOR THE SUSTAINABLE MANAGEMENT, DEVELOPMENT, AND CONSERVATION OF THE MUNICIPAL WATERS AND ITS COASTAL RESOURCES, HARMONIZING AND INTEGRATING ALL ORDINANCES PERTINENT THERETO, AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE SANGGUNIANG BAYAN IN SESSION THAT:

Section 1. Title. This ordinance shall be known as the "MUNICIPAL FISHERIES CODE OF THE MUNICIPALITY OF GUBAT, SORSOGON"

Article I  
Declaration of Policy and Definition



## Section 2. Declaration of Policy

It is hereby declared the policy of the municipality to:

- 2.1 Promote conservation and ensure sustainable and equitable utilization of its coastal areas and resources in conformity with the Philippine Fisheries Code of 1998 as amended by RA 10654.
- 2.2 Ensure, for the benefits and enjoyment of the people of Gubat, Province of Sorsogon 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.
- 2.3 Protect the rights of the small and marginal fisherfolk in the preferential use of communal coastal and fishery resources.
- 2.4 Allow people's full and active participation in the conservation and management of the coastal and fishery resources and shall promote awareness of sustainable fisheries through appropriate education and training.
- 2.5 Provide full support for sustainable fisheries in the municipal waters through appropriate technology and research, adequate financial, production, and marketing assistance, and other services.
- 2.6 Allow the private sector to utilize fishery resources under the basic concept 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.
- 2.7 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. 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.
  - 2.7.1 Ensure the rational and sustainable and equitable utilization, development, management, conservation and protection of the fishery and aquatic resources in the municipal waters of Gubat, Sorsogon.
  - 2.7.2 Protect the rights of the locally-based small and marginal fisherfolk in the preferential use of communal coastal and fishery resources.
  - 2.7.3 Ensure, for the benefit and enjoyment of the people, particularly the resident fisherfolk of Gubat, Sorsogon, judicious and wise utilization, protection, conservation and management on a sustainable basis of its coastal and aquatic resources with the necessity of maintaining a sound ecological balance and protecting and enhancing the quality of the environment.
  - 2.7.4 Allow people's full and active participation in the development, management, conservation and protection of the coastal and fishery resources and shall promote awareness of sustainable fisheries through appropriate education and training.
  - 2.7.5 Provide full support for sustainable fisheries in the municipal waters through appropriate technology and research, adequate financial, production, and marketing assistance, and other services.
  - 2.7.6 Allow the private sector to utilize fishery resources under the basic concept that the grantee, licensee, or permittee thereof shall not only be privileged beneficiary of the municipality, but also an active participant and partner of the municipality government in the management, development,

conservation and protection of the fisheries and coastal resources of the municipality.

- 2.7.7 Promote social equity, alleviate poverty and ensure food security in the coastal areas of the municipality through the proper management of coastal and quality resources.
- 2.7.8 Promote responsibility and accountability in the use of coastal and aquatic resources.
- 2.7.9 Promote stewardship in the management of coastal and aquatic resources including people's active participation in policy and decision making.
- 2.7.10 Promote gender equality in the sustainable development, management, utilization and conservation of coastal and aquatic resources.
- 2.7.11 Recognize the rights of women in fishing, through appropriate technology and research, financial, production and marketing assistance, construction of post-harvest facilities and other services.
- 2.7.12 Recognize the principles of ecosystem-based fisheries management (EBFM), territorial users right-based for fisheries (TURF) principles, integrated coastal management (ICM), ridge-to-reef approach, community-based coastal resources management (CBCRM) in the management of coastal and fisheries within the jurisdiction of Gubat, Sorsogon.
- 2.7.13 Consolidate and amend The Comprehensive Fishery/Coastal Resources Management Ordinance of the Municipality of Gubat, Province of Sorsogon.

### Section 3. Application of its Provisions

The provisions of this ordinance shall be enforced in:

- 3.1 All the municipal waters, as defined in this ordinance;
- 3.2 All fisheries resources in the municipal waters;
- 3.3 All fisheries activities or businesses relating to the use, development, conservation and management of the municipal waters and its coastal and fisheries resources; and
- 3.4 All people, entities or corporations that use and/or intend to use the coastal and fishery resources of the municipality.

### Section 4. Definition of Terms

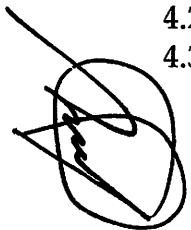
As used in this ordinance, the following terms and phrases shall mean as follows:

- 4.1 Ancillary industries - firms or companies related to the supply, construction and maintenance of fishing vessels, gears, nets and other fishing paraphernalia; including but not limited to fishery machine shops, and other facilities such as feed plants, cold storage and refrigeration, processing, plants, and other post-harvest facilities.
- 4.2 Artificial reef - any man-made structure, deployed on a body of water to serve as coral recruitment, habitat and breeding areas of fish and other aquatic species.
- 4.3 Aquaculture - fishery operations involving all forms of raising and culturing fish and fishery species in freshwater water, brackish and marine water areas.
- 4.4 Aquatic resources - includes fish and other aquatic flora and fauna and other living resources of the aquatic environment, including but not limited to salt and corals.
- 4.5 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 effects as to harm living and non-living fishery and coastal resources; pose potential and/or real hazard to human health; hindrance to coastal activities such as fishing and navigation, including dumping/disposal of waste and other marine litter; discharge of petroleum or residual products of petroleum, and

other radioactive, noxious or harmful liquid, gaseous or solid substances, from any water, land or other human-made structures. Deforestation, unsound agricultural practices such as the use of banned chemicals and excessive use of chemicals, intensive use of artificial fish feed, and wetland conversion, which cause similar hazards and deleterious effects shall also constitute aquatic or coastal pollution.

- 4.6 Auxillary Invoice - shall refer to paper(s) or document(s) issued by the Local Chief Executive through the Office of the Municipal Agriculturist before any fish/ fishery product(s) shall be transported from the Municipality of Gubat, as a point of origin, to their point of destination in other part of the country and/or for export purposes.
- 4.7 "Balbal/Tumbok" - an improvised scaring device made of wood or other hard materials with elongated handle used to pump/pound the water creating noise which scare and drive the fish to be entangled in the net
- 4.8 Buffer Zone - is the area immediately outside the core zone of the fish sanctuary where fishing is limited to hook and line fishing, the distance of which from the core zone is specified by Municipal Ordinance no. 003 series of 2012 and other future ordinances of the same nature.
- 4.9 Carrying capacity - is the ability of a designated area of water like mariculture zone to sustain the maximum number of fishing operation such as fish cages or fish pens, without causing deterioration to the environment and damage to its ecosystems.
- 4.10 Catch Ceilings - refer to the annual catch limits allowed to be taken, gathered or harvested from any fishing area in consideration of the need to prevent overfishing and harmful depletion of breeding stocks of aquatic organisms.
- 4.11 Charges- refer to financial liability, as rents or fees against persons or property.
- 4.12 Closed Season - the period during which the taking of specified fishery species by a specified fishing gear is prohibited in a specified area or areas in the municipal waters.
- 4.13 Coastal Area/Zone - is a band of dry land and adjacent ocean space (water and submerged land) in which terrestrial processes and uses directly affect 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, seagrass beds and other soft bottom areas.
- 4.14 Coastal Resource Management (CRM) Section - created under the Municipal Agriculture Office, solely for the purpose of attending to the needs on coastal resource management of the municipality; headed by the Municipal Agriculturist to be assisted by the CRM Officer to perform the function under Section 17 of Republic Act 7160 otherwise known as the Local Government Code of 1991 to include but not limited to the management and conservation of the aquatic resources of the Municipality.
- 4.15 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.
- 4.16 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:
- 4.16.1 *Small-scale commercial fishing* - fishing with passive or active gear utilizing fishing vessels of 3.1 gross tons (GT) up to 20 GT;
- 4.16.2 *Medium-scale commercial fishing* - fishing with passive or active gear utilizing fishing vessels of 20.1 gross tons (GT) up to 150 GT; and
- 4.16.3 *Large-scale commercial fishing* - fishing with passive or active gear utilizing fishing vessels of more than 150) GT.

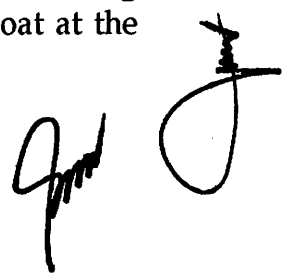
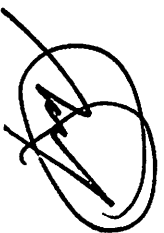
- 4.17 Compressor- is a mechanical breathing device used by fishermen to stay longer underwater.
- 4.18 Coral - marine animals, anthozoan and cnidarian coelenterates, consisting of polyps and the rigid skeletal structure they produce. The living animal with its skeleton and the skeleton alone are both 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 calcareous skeleton.
- 4.19 Coral Reef - geological features built by natural calcification and other deposits from corals and calcareous algae.
- 4.20 Core Zone - is a defined area of the municipal waters declared by ordinance and known as Marine Protected Area (MPA) or Fish Sanctuary whereby no fishing is allowed and access thereto is strictly limited to research, assessment and for law enforcement.
- 4.21 Demarcated Areas - boundaries defined by markers and assigned exclusively to specific individuals or organizations for certain specified and limited uses such as:
- 4.21.1 Docking / Landing Zone
  - 4.21.2 Navigation Zone
  - 4.21.3 Managed Access Areas
  - 4.21.4 Protected Zones (PZs)
    - 4.21.4.1 Fish Sanctuary
      - a) Buffer Zone
      - b) Core Zone
    - 4.21.4.2 Mangrove Rehabilitation Area
  - 4.21.5 Tourism Zone
- 4.22 Department - shall mean Department of Agriculture.
- 4.23 Docking / Landing area - a designated area where municipal fishing boats and fishing vessels are secured and protected;
- 4.24 Double or Triple Gillnet (Trammel Nets) - Several types of nets combined in one gear with the purpose of decreasing the mesh size of the created gear
- 4.25 Ecosystem overfishing - this occurs when the decline of once abundant fish stock due to fishing results in an ecological imbalance and eventual changes in fishery.
- 4.26 Electrofishing - the use of electricity generated by batteries, electric generators and other source of electric power to kill, stupefy, disable or render unconscious fishery species, whether or not the same is subsequently recovered.
- 4.27 Endangered, Rare or Threatened Species - aquatic plants and animals including some varieties of coral and seashells in danger of extinction as provided for in existing fishery laws, rules and regulations, or by the Biodiversity Management Bureau (BMB) of the Department of Environment and Natural Resources (DENR)
- 4.28 Exclusive Fishery Privilege- concession, license, permit, lease and/or similar privileges for the establishment or operation of fish pens, cages, fish corrals/traps or other similar structures in the designated areas within the municipal waters granted to fisherfolk organization, cooperative or other group within the municipality of Gubat with accreditation from DOLE, CDA, SEC or from other legal accreditation bodies
- 4.29 FARMC - shall mean Fisheries and Aquatic Resources Management Council
- 4.30 Fee- means a charge fixed by law or ordinance for the regulation or inspection of a business or activity.



- 4.31 Fine-Meshed Nets - net with mesh size of less than three centimeters (3 cm) measured between two (2) opposite knots of a full mesh when stretched or as otherwise determined by the appropriate government agency
- 4.31.1 Fyke Net/"Dyakos" - fish trap consists of cylindrical or cone-shaped netting bags mounted on rings or other rigid structures, has wings or leaders which guide the fish towards the entrance of the bag, fixed on the bottom by anchors, ballasts or stakes; stationary gear, with mesh size of less than 3 cm
- 4.31.2 "Duyan-duyan" - stationary seine net used in catching fingerlings without bag
- 4.31.3 Pull Net/"Atras" - hand-held scoop net used in catching fingerlings that is lowered into the water without touching the seafloor and actively pulled backward.
- 4.31.4 "Sarap" - a seine net operated from the shore. The gear is composed of a bunt (bag or loose netting) and long wings for towing the seines to the beach.
- 4.32 Fish Aggregating Device (FAD) - Artificial or natural floating objects placed on the ocean surface, often anchored to the bottom, to attract several schooling fish species underneath, thus increasing their catchability.
- 4.33 Fish cage - refers to an enclosure which is either stationary or floating made up of nets or screens sewn or fastened together and installed in the water with opening at the surface or covered and held in a place by wooden/bamboo posts or various types of anchors and floats.
- 4.34 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 mattings or wire mattings with one or more enclosures, usually with easy entrance but difficult exit, and with and without leaders to direct the fish to the catching chambers, purse or bags.
- 4.35 Fish fingerling - a stage in the life cycle of the fish, measuring to about 6-13 centimeters, depending on the species.
- 4.36 Fish fry - a stage at which a fish has just been hatched usually with sizes from 1- 2.5 cm.
- 4.37 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 nylon netting to prevent escape of fish
- 4.38 Fish Pond - a land-based facility enclosed with earthen or stone material to impound water for growing fish
- 4.39 Fisheries - refer to all activities relating to the act or business of fishing, culturing, preserving, processing, marketing, developing, conserving and managing aquatic resources and the fishery areas, including the privilege to fish or take aquatic resource thereof.
- 4.40 Fisherfolk - people directly, or personally, and physically engaged in taking and/or culturing and processing fishery/coastal/marine resources.
- 4.41 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 or economic end, making equitable contribution to the capital requirement and accepting a fair share of the risks and benefits of the undertakings in accordance with universally accepted cooperative principles.
- 4.42 Fisherfolk Organization - an organized group, association, federation, alliance or an 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, accredited by the LGU and registered by the Department of Labor and Employment

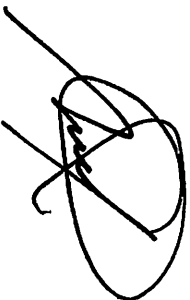
(DOLE), Cooperative Development Authority (CDA) or Securities Exchange Commission (SEC).

- 4.43 Fishery Species - all aquatic flora and fauna including but not restricted to, fish, algae, coelenterates, mollusks, crustaceans, echinoderms, and cetaceans.
- 4.44 Fishery management area (FMA) - A bay, gulf or any other fishery area that may be delineated for fishery resource management purposes.
- 4.45 Fishery Management Unit (FMU) - is an office under the Municipal Agriculturist duly created to act as the Secretariat of Managed Access Area and Reserve Board and at the same time act as the lead Implementing Office of the Managed Access Area and Reserve ordinance
- 4.46 Fishery License - a document that qualify a person/cooperative/ partnership/ corporation to engage in any fishery activities in the municipal waters.
- 4.47 Fishery operator - one who owns and provides the means including land, labor, capital, fishing gear and vessel, but does not personally engage in fishery and aquaculture activities.
- 4.48 Fishing - the taking of fishery species from the wild state or habitat, with or without the use of fishing vessels.
- 4.49 Fishing boat/Gear license - a permit to operate specific types of fishing boat/gear for specific duration in areas within the municipal waters.
- 4.50 Fishing Gear - any instrument or device and its accessories utilized in taking fish and other fishery species. It can be any of the following:
- 4.50.1 *Active Fishing Gear* - is a fishing device characterized by the pursuit of the target species by towing, pushing the gears, surrounding, covering, dredging, and scaring the target species to impoundments; such as, but not limited to, trawl, purses seines, Danish seines, *paaling* and drift gill net.
- 4.50.1.1 Bag nets - a form of fishing gear resembling an inverted mosquito net where the net is lowered under the water and is lifted by a series of pull ropes.
- 4.50.1.2 Cast net (*laya*) - is a conical net with sinkers around the base and a retrieving line attached to the apex of the net.
- 4.50.1.3 Compressor Fishing - a form of fishing utilizing an air compressor on the surface, normally in a boat, provides air by hoses to diver(s) engaged in fishing activities.
- 4.50.1.4 Dredges - a form of fishing gear where nets or cages are dragged along the bottom to collect bottom dwelling aquatic species.
- 4.50.1.5 Drift Gill Net - a form of fishing gear kept near the surface, or a certain distance below it, by numerous floats, the net drifts freely with the current, separately or, more often with the boat to which they are attached. A driftnet may be used close to the bottom (e.g. shrimp driftnet) or at the surface (e.g. herring driftnet) usually across the path of migrating fish schools. Aquatic animals strike the net and become entangled in its meshes. Large Scale Pelagic Driftnets are surface or sub-surface driftnets of large dimensions - the use of which is banned by a UN resolution. Also referred to as driftnets.
- 4.50.1.6 Drift Longline - Longline kept near the surface or at a certain depth by means of regularly spaced floats. Drifting longlines may be of considerable length, and the snoods are usually longer and more widely spaced than for the bottom longlines. Some drifting longlines are set vertically, each line hanging from a float at the



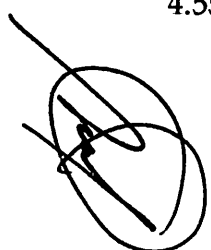
surface. They are usually worked in groups of several lines operated by a single boat.

- 4.50.1.7 Harvesting Machines - Gear used to extract fish from the water by direct pumping or forced sifting.
  - 4.50.1.8 Pa-Aling - a form of fishing gear consisting of a net set at coral / shoal reef areas whereby fish are driven towards the net by means of air bubbles produced by compressors.
  - 4.50.1.9 Push nets/"Sudsud" - a form of fishing gear using a net made of synthetic or natural fiber materials consisting of a belly, sides and cod-end or bag all of which are made of fine mesh attached to the triangular scissor-like framing that can be attached to a banca or pushed manually.
  - 4.50.1.10 Sahid (Bitana) - a modified gill net without bunt and sinker drawn by two (2) persons for catching fingerlings in estuarine areas.
  - 4.50.1.11 Scoop Net - a form of fishing gear used for catching post larval and fingerling stage of sardines, anchovies and other small pelagic fish species. The gear is made of a net on a frame that is lowered into the water and actively pulled upward.
  - 4.50.1.12 Seines - a form of encircling net having a line at the bottom passing through rings attached to the net, which can be drawn or pursed. In general, the net is set from a boat or pair of boats around the school of fish. The bottom of the net is pulled closed with the purse line. The net is then pulled aboard the fishing boat or boats until the fish are concentrated in the bunt or fish bag. To include but not limited to Purse Seines, Danish Seines, and Beach Seines.
  - 4.50.1.13 Trawl - an active fishing gear consisting of a bag shaped net with or without otter boards to open its opening which is dragged or towed along the bottom or through the water column to take fishery species by straining them from the water, including all variations and modifications of trawls (bottom, mid-water, and baby trawls) and tow nets.
- 4.50.2 *Destructive Fishing Gear* - refers to any type of fishing technique that destroys fish habitat and devastates the marine environment including but not limited to:
- 4.50.2.1 Fishing with Explosives - the use of the 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, disable or render unconscious any fishery species. It also refers to the use of any other substance and/or device which causes an explosion that is capable of producing the said harmful effects on any fishery species and aquatic resources and capable of damaging and altering the natural habitat.
  - 4.50.2.2 Fishing with Noxious or Poisonous Substances - the use of any substance, plant extracts or juice thereof, sodium cyanide and/or cyanide compounds or other chemicals either in a raw or processed form, 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.

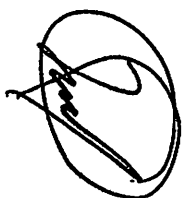




- 4.50.2.3 Ghost Fishing - The accidental capture of aquatic organisms by fishing gear, usually but not limited to gill nets, or traps, and pots; that has been lost or discarded into the sea and which continues to entangle or trap aquatic animals.; The capture of aquatic organisms by lost or abandoned gear.
- 4.50.3 *Passive Fishing Gear* - is characterized by the absence of pursuit of the target species; such as, but not limited to, hook and line, fishpots, traps, and gill nets set across the path of the fish.
- 4.50.3.1 Gleaning (tagunhas) - The activity of harvesting aquatic plant or aquatic animal by hand or with an implement to prod.
- 4.50.3.2 Hook and Line (banwit)- Fishes are attracted by a natural or artificial bait (lures) placed on a hook fixed to the end of a line or snood, on which they get caught. Hook and-line units may be used singly or in large numbers.
- 4.50.3.3 Jigging(lagu-lo)- A method of fishing using lures on a vertical line moved up and down (jigged) by hand or mechanically; extremely efficient for fishing oceanic squids at night.
- 4.50.3.4 Fishpots / Traps (Bobo) - Designed to catch fish or crustaceans, are in the form of cages or baskets made of various materials (wood, wicker, metal rods, wire netting, etc.) and have one or more openings or entrances. Usually set on the bottom, with or without bait, singly or in rows, connected by ropes (buoy-lines) to buoys on the surface showing their position.
- 4.50.3.5 Gill nets (*hikot*)- also referred to as entangling net; a type of gear where the fish are gilled, entangled or enmeshed in the netting. According to their design, ballasting and buoyancy, these nets may be used to fish on the surface, in midwater or on the bottom.
- 4.50.3.6 Multiple handline (pakitang) - a single vertical line with a series of small baited hooks attached to its "spreaders" at regular intervals.
- 4.50.3.7 Spear fishing (*pana*) - is defined as any method which uses a spear to capture aquatic animals without the use of scuba or a compressor.
- 4.51 Fishing light attractor - refers to a fishing aid which employs lights using, among others, mercury vapor, high pressure sodium vapor, standard tungsten, tungsten halogen, fluorescent or light-emitting diode, that are attached to structure water or suspended underwater to attract both fish and members of the food chain to specific areas in order to harvest them.
- 4.52 Fisheries Class - A class on environmental and health consequences that is offered to fisherfolk committing their first offense in a year in lieu of payment of fine or community service.
- 4.53 Fisheries Observer - refers to a person duly authorized by the Philippine government or under a Regional Observer Program of the Regional Fisheries Management Organization (RFMO) to collect scientific, technical or fishing-related data, and other information that may be required by the government or the RFMO and/ or in compliance to a conservation and management measure.
- 4.54 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 the preservation, supply, storage, refrigeration, transportation and processing.
- 4.55 Fishing Vessel/Gear License - refers to a permit to operate specific types of fishing vessel/gear for specific duration in areas within and beyond municipal waters for demersal or pelagic fishery resources.



- 4.56 Fish worker – a person regularly or not regularly employed in commercial fishing and related industries, whose income is either in wage, profit-sharing or stratified sharing basis, including those working in fish pens, fish cages, fish corrals/traps, fishponds, prawn farms, sea farms, salt beds, fish ports, fishing boat or trawlers, or fish processing and/or packing plants. Excluded from this category are administrators, security guards and overseers.
- 4.57 Foreshore land – is a strip of land fringing a body of water or the part of seashore between the low-water line usually at the seaward margin of a low tide terrace and the upper limit of wave wash at high tide, usually marked by a beach/scarp or berm.
- 4.58 Fraudulent practices – deceitful acts using any instrument or device/accessories and the manner of dealing and selling by any person or corporation engaged in fishery activities
- 4.59 Gratuitous Permit - a permit issued to marginal and subsistence municipal fisherfolk free of any charges.
- 4.60 Gross tonnage – includes the underdeck tonnage, permanently enclosed spaces above the tonnage deck, except for certain exemptions. In broad terms, all the vessel's 'closed-in' spaces expressed in volume terms on the bases of one hundred cubic feet (that equals to one gross ton).
- 4.61 Grievance– is a written or verbal complaint concerning disputes between and among fisherfolk and their organization respecting the interpretation, application or compliance of the rules and regulations set in this ordinance.
- 4.62 Harvest Control Rules – refers to actions or set of actions to be taken to achieve a medium or long term target reference point while avoiding reaching or breaching a limit reference point.
- 4.63 Illegal Fishing – means fishing activities conducted by Philippine fishing vessels operating in violation of Philippine laws, RFMO resolutions, and laws of other coastal cities and municipalities.
- 4.64 Inland fishery - includes culture and capture of fish in fresh and brackish waters.
- 4.65 Juvenile fish – any species of fish, which does not reach its reproductive maturity stage and is less the average size in length as may be determined by the GUBAT Managed Access Areas Management Board.
- 4.66 License - a permission granted by competent authority to engage in a business or occupation or in an activity otherwise unlawful
- 4.67 Limited access – A fishery policy by which a system of equitable resource use and allocation is established by law through fishery rights granting and licensing procedures of the locality.
- 4.68 Local Government Unit or LGU – refers to the Municipal Government of Gubat, Sorsogon unless it is used to mean other specific local government unit.
- 4.69 Localized illegal fishing – fishing activities contrary to those allowed by this ordinance
- 4.70 Managed Access Area (MAA) – refers to the municipal waters 4 kilometers from the shoreline set aside by this ordinance but may be subject to amendment in order to conserve and protect the habitat and species against destructive, exhaustive and other unsustainable fishing activities.
- 4.71 Managed Access Area + Sanctuary (MAA+S) – refers to the municipal waters set aside by this ordinance in order to conserve and protect the habitat and species against destructive, exhaustive and other unsustainable fishing activities through the establishment of specific rules and guidelines for fish sanctuaries, tourism area, mariculture areas, and stationary fishing.
- 4.72 Mangroves - a community of intertidal plants including all species of trees, shrubs, vines and herbs on coasts, swamps, or border of swamps.



A handwritten signature or mark consisting of a large, stylized letter 'J' or similar shape with a vertical line extending upwards from the top.

- 4.73 Marginal Fisherfolk - fisherfolk with monthly household income not exceeding the poverty threshold set by Philippine Statistics Authority or NCSB on the Poverty Incidence among Filipinos
- 4.74 Mariculture - a branch of aquaculture involving the cultivation of marine organisms for food and other products in the open ocean, an enclosed section of the ocean, in tanks, or in inland ponds which are filled with freshwater water, brackish or marine water.
- 4.75 Mariculture Area - is a defined area allocated for seaweeds farming and other mariculture activities for the registered and licensed fisherfolk and their organizations, subject to certain rules and guidelines.
- 4.76 Marine Protected Area/Fish Sanctuary/Reserve/Refuge - means a defined area of the sea established and set aside by law, administrative regulation, or any other effective means in order to conserve and protect a part of or the entire enclosed environment through the establishment of management guidelines. It is considered a generic term that includes all declared areas governed by specific rules or regulations in order to protect and manage activities within the enclosed area.
- 4.77 Maximum Sustainable Yield (MSY) - is the largest average quantity of fish that can be harvested from a fish stocks/resource within a period of time (e.g. one year) on a sustainable basis under existing environmental conditions.
- 4.78 Migration path - a defined migration route of spawning, schooling or feeding migratory fin fishes, going downstream or upstream migration.
- 4.79 Migratory species - refer to some fish species, which in the course of their life could travel from freshwater to marine water or vice versa, or any marine species which travel to great distances in waters of the ocean as part of their behavioral adaptation for survival and speciation.
- 4.79.1 Anadromous species - marine fishes which migrate to freshwater areas to spawn;
- 4.79.2 Catadromous species - freshwater fishes which migrate to marine areas to spawn;
- 4.79.3 Amphidromous species - species of fish migrating from fresh to salt water environment and vice versa not for purpose of breeding but as part of their life cycle
- 4.80 Mobile gears - are types of fishing gears characterized by its susceptibility for transfer from one location to another.
- 4.81 Monitoring, Control and Surveillance:
- 4.81.1 Monitoring - the requirement of continuously observing: (1) fishing efforts which can be expressed by the number of days or hours of fishing, number of fishing gears and number of fisherfolk; (2) characteristics of fishery resources; and (3) resource yields (catch).
- 4.81.2 Control - the regulatory condition (legal framework) under which the exploitation, utilization and disposition of the resources may be conducted; and
- 4.81.3 Surveillance - the degree and types of observations required to maintain compliance with regulations. monitoring - for monitoring fisheries, this may include long-term observation of: 1.) fishing effort which can be expressed by the number of days or hours of fishing, number of fishing gears and number of fisherfolk; 2.) characteristics of fishery resources; and 3.) resource yields or catch.
- 4.82 Mooring buoys - a floating device or other buoyant material for docking purposes.
- 4.83 Municipal Agriculture Office (MAO) - shall perform the function under Section 17 of the Republic Act 7160 otherwise known as the Local Government Code of 1991 to include but not limited to: Formulate measures for the approval of the Sangguniang Bayan and provide technical assistance and support to the Mayor, in carrying out

said measures to ensure the delivery of basic services and provision of adequate facilities relative to agricultural services; Develop plans and strategies on agricultural programs and projects and implement them upon approval thereof by the Mayor; Ensure that maximum assistance and access to resources in the production, processing and marketing of agricultural and aquaculture and marine products are extended to farmers, fishermen and local entrepreneurs; Conduct or cause to be conducted location-specific agricultural researches and assist in making available the appropriate technology arising out of, and disseminate information on, basic research on crops, prevention and control of plant diseases and pests and other agricultural matters which will maximize productivity; Assist the Mayor in the establishment and extension services of demonstration farms or aquaculture and marine products; Enforce rules and regulations relating to agriculture and aquaculture; Coordinate with NGAs and NGOs which promote agricultural productivity through appropriate technology compatible with environmental integrity; Be in the front-line of delivery of basic agricultural services, particularly those needed for the survival of the inhabitants during and in the aftermath of man-made and natural disaster; Recommend to the Sangguniang Bayan and advise the Mayor on all matters related to agriculture and aquaculture which will improve the livelihood and living conditions of the inhabitants; and Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

- 4.84 Municipal Environment and Natural Resources Office (MENRO) - shall perform the function under Section 17 of the Republic Act 7160 otherwise known as the Local Government Code of 1991 to include but not limited to: Formulate measures for the consideration of the Sanggunian and provide technical assistance and support to the Local Chief Executive in carrying out measures to ensure the delivery of basic services and provision of adequate facilities relative to environment and natural resources; Develop plans and strategies for environment and natural resources programs and projects and implement them upon approval thereof by the Mayor; Establish, maintain, protect and preserve communal forest, watershed, tree parks, mangroves, greenbelt and similar forest projects and commercial forest, like industrial tree farm and agro-forestry projects; Provide extension services to the beneficiaries of forest development projects and render assistance to the natural resources of forest conservation and utilization activities consistent with ecological balance; Promote small scale mining and utilization of mineral resources particularly mining of gold; Coordinate with government agencies and NGOs in the implementation of measures to prevent and control land, air and water pollution with the assistance of the DENR; Be in the frontline of the delivery of services concerning the environment and natural resources, particularly in the renewal and rehabilitation of the environment during and in the aftermath of manmade and natural calamities and disasters; and Recommend to the Sanggunian and advise the Local Chief Executive on all matters relative to the protection, conservation, maximum utilization, application of appropriate technology and other matters related to the environment and natural resources.
- 4.85 Municipal Fisherfolk - persons who are directly or indirectly engaged in municipal fishing and/or other related fishing activities.
- 4.86 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 the fifteen (15) kilometers distance from the shoreline.
- 4.87 Municipal Government - refers to the municipal government of Gubat.
- 4.88 Municipal Waters - include not only streams, lakes, inland bodies of water and tidal waters within the municipality which are not the subject of private ownership and not included within the national parks, brackish water fishponds leased by the

government, and national fishery reserves, refuge and sanctuaries but also marine waters included between two lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline including offshore islands and 15 kilometers from such coastline. Where two municipalities are so situated on opposite shores such that there is less than thirty (30) kilometers of marine waters between them, the third line shall be a line equidistant from the opposite shores of the respective municipalities.

- 4.89 NAMRIA - National Mapping and Resource Information Authority
- 4.90 Navigational Zone -a defined area allocated for maritime travel.
- 4.91 Non-Government Organization (NGO) - refers to an agency, institution, a foundation or a group of persons whose purpose is to assist peoples' organizations/associations in various ways including, but not limited to, organizing, education, training, research and/or resource accessing.
- 4.92 Obstruction to navigation and flow of water - refers to all forms of water and land-based structures, whether permanent or movable, constructed without proper authorization from an appropriate government agency, which obstruct navigation or impede the flow of water, causing water stagnation, pollution or massive flooding, provided that in case of rivers or streams, the structures are constructed at least one-fourth (1/4) of the width of the river or stream measured from where the structure is erected and constructed.
- 4.93 Obstruction to migration path - refers to all forms of water and land-based structures, whether permanent or movable, constructed without proper authorization from an appropriate government agency which obstruct migration path
- 4.94 Overfished Area - an area within the municipal waters which cannot sustain fisheries. It can be due to any of the following types of overfishing: (i) 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 a 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.
- 4.95 Payao (Hilay/Buya)- a fish aggregating device consisting of a floating raft anchored by a weighted line with suspended materials such as palm fronds to attract pelagic and schooling species common in deep waters.
- 4.96 Penalties - sanctions imposed to those found violating this ordinance.
- 4.97 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.
- 4.98 Permit - a document issued to license holders before engaging in fishing using particular gear and/or boat or engage in any fisheries activities within the municipality
- 4.99 Persons - natural or juridical entities such as individuals, associations, partnership, cooperatives or corporations.
- 4.100 Post-harvest facilities - these facilities include, but are not limited to, fish port, fish landing, ice plants and cold storage, fish processing plants.
- 4.101 Protected Zones or PZs - refers to the defined areas within the GUBAT Managed Access Area + Sanctuary, which are established to perpetuate the species of fish, protect the habitats, conserve the endangered and threatened marine mammals and

other marine organisms. These areas shall be known and cited according to their names and location based on their geographic descriptions as provided in the following sections.

- 4.102 RA 10654 - This act shall be known as the Philippine Fisheries Code of 1998 as amended by Republic Act no. 10654, "An act to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IUU)".
- 4.103 Rights-based Management - is fishery management strategy anchored on the promotion and strengthening of the preferential use rights of marginal fisherfolk over near shore fisheries commonly known as municipal waters.
- 4.104 Scuba-refers to the self-contained underwater breathing apparatus.
- 4.105 Seagrass - flowering plants belonging to four plant families: Posidoniaceae, Zosteraceae, Hydrocharitaceae, or Cymodoceaceae, all in the order Alismatales, which grow in marine, fully saline environments.
- 4.106 Serious Violation - means any of the following violations of the provisions of this Ordinance:
- 4.106.1 Fishing without a valid license, authorization or permit;
  - 4.106.2 Fishing without reporting the catch or misreporting the catch;
  - 4.106.3 Fishing in a closed area or during a closed season;
  - 4.106.4 Fishing of prohibited species;
  - 4.106.5 Fishing with the use of prohibited gear or methods;
  - 4.106.6 Falsifying, concealing or tampering with vessel markings, identity or registration to conceal vessel identity or lack of registration;
  - 4.106.7 Concealing, tampering or disposing of evidence relating to an investigation of a violation;
  - 4.106.8 Assaulting, resisting, intimidating, harassing, seriously interfering with, or unduly obstructing or delaying a fisheries law enforcer, authorized inspector or observer or other duly authorized government officer;
  - 4.106.9 Intentionally tampering with or disabling the vessel monitoring system; and
  - 4.106.10 Committing multiple violations which taken together constitute a serious disregard of this Ordinance.
- 4.107 Snorkeling - refers to swimming with the use of snorkel and mask observing or sight-seeing or viewing the beauty of natural wonders of marine and aquatic life.
- 4.108 Snorkeling area - refers to the designated area for snorkeling.
- 4.109 Spear Gun (pana) - is a device used to propel a spear for fishing.
- 4.110 Sport Fishing - refers to any fishing activity mainly for the purpose of recreation.
- 4.111 Stationary gears- are types of fishing gears characterized by its nature of being deployed in a fixed or particular area.
- 4.112 Strategic Lawsuit Against Public Participation (SLAPP) - A legal action filed to harass, vex, exert undue pressure, or stifle any legal recourse that any person, institution, or the government has taken or may take in the enforcement of this Ordinance
- 4.113 Superlight - also called magic light, is a type of light using halogen or metal halide 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 coupled with the main engine.
- 4.114 "Tamba" - way of scaring fish using hands by slapping the water to drive the fish to be entangled in the net
- 4.115 Territorial User Rights in Fisheries and Reserve (TURF+Reserve) strategy - refers to a grant of exclusive fishery privileges to individuals or community of fisherfolk by ordinance, to fish within a designated Special Fisheries Management Area (SFMA) / Managed Access area + Sanctuary (MAA+S) with an undertaking to be responsible for the conservation and protection of fisheries and aquatic resources

and to comply with the harvest regulations, fish catch monitoring and reporting, and participate in coastal and fishery law enforcement.

4.117 Tourism Zone - this includes all existing beach resorts, dive sites and all other establishments along the coastline of the municipal waters

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

4.119 Water pollution - is the introduction of substances or energy to the aquatic environment which results 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 residual products of petroleum or carbonaceous materials/substances, and other radioactive, noxious or harmful liquid, gaseous or solid substances, from any water, land or air transport or other human-made structure. Deforestation, unsound agricultural practices such as the use of artificial fish feed, and wetland conversion, which cause similar hazards and deleterious effects, shall also constitute aquatic pollution.

4.119.1 Water Class SA - refers to coastal/marine waters suitable for the propagation, survival and harvesting of commercially important fishes and shellfish and suitable for the establishment of national marine parks and reserves and coral reef parks and reserves.

4.119.2 Water Class SB - refers to coastal /marine waters suitable for recreational water Class 1 or areas regularly used by the public for swimming and skin diving and for fishery water class 1 or spawning areas for milkfish and similarly important fish species.

Article II

Municipal Waters Delineation and Zoning

Section 5. Territorial Boundary

The territorial waters of Gubat, Sorsogon shall be taken to mean as the area confined within the line from and between the political boundary of Prieto Diaz and Gubat extending westward up to the point of the vertical line from and between the political boundary of Barangay Bagacay. In the South, it is bounded by the municipal waters of Barcelona and Gubat.

As technically described by the National Mapping and Resources Information Agency (NAMRIA), the territorial waters of Gubat are bound by its general coastline and the lines described as follows:

Point	Latitude	Longitude	Remarks
Beginning at 1	12° 59' 57"	124° 08' 38"	Coastal Terminal Point, MBM 38
thence 2	12° 57' 11"	124° 19' 42"	
thence 3	12° 56' 11"	124° 19' 08"	
thence 4	12° 54' 30"	124° 18' 09"	
thence 5	12° 53' 52"	124° 17' 44"	
thence 6	12° 52' 26"	124° 08' 15"	Coastal Terminal Point, MBM 01

thence following the coastline to 1			
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Provided finally, that the technical description and map prepared by NAMRIA, showing the territorial waters of this Local Government Unit (LGU) in Gubat, are made integral parts of this Municipal Ordinance (see *Attachment*).

#### Section 6. Establishment of Clusters

Established Cluster	Barangays Covered
Cluster 1	Rizal, Buenavista, Ariman
Cluster 2	Panganiban, Pinontingan, Balud Sur, Balud Norte, Cota na Daco
Cluster 3	Cogon, Tiris, Ogao, Paco, Bagacay

#### Section 7. Jurisdiction of the Municipal Government Over the Municipal Waters

The municipal government shall have jurisdiction over the municipal waters. The municipal government shall be responsible for the management, conservation, development, protection, utilization and disposition of all coastal and fishery resources within the municipal waters. The municipal government, in consultation with the MFARMC, 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 and shall not endanger the sustainability of the coastal and fishery resources or destroy the ecological balance: *Provided, however*, That the municipal government, in coordination with the MFARMC and other concerned agencies and institutions, 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 8. Zonation of the Municipal Waters and Regulations and Policies within Zones

The municipal water of Gubat is hereby zoned following the six (6) major coastal zones, determined complementarily and in harmony with the overall bay-wide zoning framework, without prejudice to additional zones that may later be identified and established: *Provided*, That the zonation map formulated and generated as a result of consultation among the stakeholders and validated in the field is hereby adopted and made an integral part of this Ordinance.

The municipal waters shall be designated into the following zones:

- Zone 1 or Protected Zone
- Zone 2 or Tourism Zone
- Zone 3 or Stationary Fishing Zone
- Zone 4 or Navigational Zone
- Zone 5 or Docking/Landing Zone
- Zone 6 or Mobile Fishing Zone

All zones except the mobile zone are within MAA+S.

8.1 Protected Zones. This zone includes sub-zones and other sites identified and reserved for protection of critical habitats, marine species and organism(s). It



includes those protected areas declared before the enactment of this Ordinance and those that may later be declared by subsequent Ordinance.

### 8.1.1 Fish Sanctuary

The Municipal Government, in coordination with the Barangays, FARMC and concerned organization shall manage the following fish sanctuaries:

Ragnas Fish Sanctuary- declared under Municipal Ordinance No. 003, series of 2012. The Ragnas Fish Sanctuary covers an area of 16 hectares and located along Barangay Bagacay, specifically located with the following coordinates:

Core Zone		
Point	Latitude	Longitude
A	12°58'47"N	124°09'09"E
B	12°58'38"N	124°09'21"E
C	12°58'51"N	124°09'25"E
D	12°58'57"N	124°09'13"E

Namantaw Fish Sanctuary- declared under Municipal Ordinance No. 003, series of 2012. The Namantaw Fish Sanctuary covers an area of 15 hectares and located along Barangay Rizal, specifically located with the following coordinates:

Core Zone		
Point	Latitude	Longitude
A	12°54'03"N	124°08'15"E
B	12°54'14"N	124°08'27"E
C	12°54'54"N	124°08'26"E
D	12°53'53"N	124°08'24"E

Provided, however, That the fish sanctuaries of the Municipality shall have the following zones:

- a. Core Zone
- b. Buffer Zone
- c. Navigational Zone as appropriate
- d. Other zones as deemed necessary

8.1.2 Regulations and Policies within the Fish Sanctuary. - Zoning and the policies set forth in Municipal Ordinance No. 003, series of 2012 for the management of Ragnas Fish Sanctuary and Municipal Ordinance No. 003, series of 2012 for the management of Namantaw Fish Sanctuary shall remain valid and enforceable: Provided, however, that, in addition to the requirements embodied in the foregoing Ordinances, no new Fish Sanctuary shall be established in the municipality unless the following rules and regulations are followed:

8.1.2.1 Human access and activities are prohibited in the core zone of the fish sanctuary except for research, monitoring and evaluation purposes conducted by competent/reputable agencies duly authorized and

issued with corresponding permit by the Office of the Mayor with recommendation by Gubat Managed Access Area+ Sanctuary Management Board (GMAAS Management Board), BFAR and MFARMC;

- 8.1.2.2 Fishing activities within the buffer zones will be limited using regulated fishing and traditional fishing gears only. However, the distance and number of fisherfolk allowed in the fish sanctuaries are closely monitored to ensure that it will not go beyond the carrying capacity of the said fish sanctuaries.
- 8.1.2.3 Scientific and educational activities shall be allowed inside the fish sanctuary for monitoring and other related purposes, only if written permission was obtained from the municipal government;
- 8.1.2.4 A management plan as an operational guide of the fish sanctuary shall be formulated in a participatory manner. Such plan shall contain management programs with proposed budgets for the strengthening of the fish sanctuary, implementation structure, monitoring and evaluation of activities; and
- 8.1.2.5 Results of the studies and/or researches conducted by any project, institution, agency, individual, and organization within the fish sanctuary shall be furnished to the Municipal Agriculture Office, Municipal Environment and Natural Resources Office and Municipal Mayor.

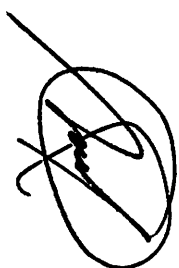
**8.1.3 Mangrove Rehabilitation Area.** - Considerable mangrove areas are wrought by various human activities such as cutting. As a remedy, there shall be identified mangrove rehabilitation area for every coastal barangay based on periodic assessment.

**8.1.3.1 Policies within the Mangrove Rehabilitation Area.** Mangrove rehabilitation shall be in accordance with the municipal coastal resource management framework or such other framework formulated by the municipality specifically for mangrove management. Mangrove rehabilitation activities shall be guided by the following rules and regulations:

- 8.1.3.1.1 All mangrove rehabilitation activities shall be undertaken in the zones specified and identified for such purpose only;
- 8.1.3.1.2 No mangrove rehabilitation shall be undertaken by any person and/or organization without valid permit issued by the Municipal Environment and Natural Resources Officer and Municipal Mayor; and
- 8.1.3.1.3 Fishing with the use of active gears is hereby prohibited within the mangrove rehabilitation sites.
- 8.1.3.1.4 Scientific and educational activities shall be allowed inside the mangrove rehabilitation area for monitoring and other related purposes, only if written permission was obtained from the municipal government

## 8.2 Stationary Zone.

For the enjoyment of the municipal Fisherfolk, a stationary zone is hereby assigned. The stationary zone covers a total area of 1,110.45 hectares and lies within the following geographical coordinates:



Point	Longitude	Latitude
1	124° 9'3.43"E	12°59'44.86"N
2	124° 9'10.25"E	12°59'40.84"N
3	124° 8'59.64"E	12°59'6.13"N
4	124° 8'43.23"E	12°58'43.86"N
5	124° 8'40.02"E	12°58'18.14"N
6	124° 9'14.24"E	12°58'5.87"N
7	124° 9'27.38"E	12°57'49.71"N
8	124° 9'28.79"E	12°57'13.72"N
9	124° 9'13.23"E	12°56'42.25"N
10	124° 8'59.70"E	12°55'24.33"N
11	124° 8'51.50"E	12°55'15.60"N
12	124° 8'31.99"E	12°55'13.20"N
13	124° 8'1.88"E	12°55'33.79"N
14	124° 7'47.18"E	12°55'31.77"N
15	124° 7'46.56"E	12°55'23.98"N
16	124° 7'51.02"E	12°55'15.10"N
17	124° 7'35.54"E	12°55'13.67"N
18	124° 7'31.77"E	12°55'27.45"N
19	124° 7'36.85"E	12°55'41.78"N
20	124° 7'48.44"E	12°55'47.77"N
21	124° 7'59.70"E	12°55'46.48"N
22	124° 8'6.44"E	12°55'54.28"N
23	124° 8'17.49"E	12°55'53.53"N
24	124° 8'30.57"E	12°55'59.39"N
25	124° 8'32.84"E	12°56'9.01"N
26	124° 8'38.04"E	12°56'27.95"N
27	124° 8'49.71"E	12°57'23.17"N
28	124° 8'41.31"E	12°57'39.56"N
29	124° 8'46.63"E	12°57'40.23"N
30	124° 8'59.91"E	12°58'3.77"N
31	124° 8'28.73"E	12°58'16.66"N
32	124° 8'28.76"E	12°58'36.54"N
33	124° 8'33.35"E	12°58'57.16"N
34	124° 8'45.18"E	12°59'3.33"N
35	124° 8'47.42"E	12°59'5.23"N
36	124° 8'13.63"E	12°59'13.75"N
37	124° 8'53.74"E	12°59'12.44"N
38	124° 8'55.63"E	12°59'14.16"N
39	124° 8'55.76"E	12°59'19.89"N
40	124° 8'53.44"E	12°59'24.66"N
41	124° 9'0.49"E	12°59'25.84"N
42	124° 9'0.51"E	12°59'31.91"N
43	124° 8'59.11"E	12°59'39.68"N
44	124° 7'16.93"E	12°54'37.41"N
45	124° 7'40.80"E	12°54'42.26"N
46	124° 7'38.89"E	12°54'37.42"N
47	124° 7'38.47"E	12°54'26.35"N

48	124° 7'43.17"E	12°54'9.14"N
49	124° 7'51.30"E	12°53'55.41"N
50	124° 8'8.53"E	12°53'45.55"N
51	124° 8'18.34"E	12°53'56.83"N
52	124° 8'23.99"E	12°53'50.70"N
53	124° 8'37.96"E	12°54'4.90"N
54	124° 8'34.68"E	12°54'8.25"N
55	124° 8'45.67"E	12°54'9.36"N
56	124° 9'3.65"E	12°53'55.38"N
57	124° 9'9.76"E	12°53'41.01"N
58	124° 9'11.87"E	12°53'23.71"N
59	124° 9'3.06"E	12°52'55.87"N
60	124° 8'37.42"E	12°52'43.95"N
61	124° 8'31.12"E	12°52'26.73"N
62	124° 8'16.47"E	12°52'24.44"N
63	124° 8'24.22"E	12°52'30.09"N
64	124° 8'25.74"E	12°52'31.90"N
65	124° 8'26.31"E	12°52'35.70"N
66	124° 8'25.63"E	12°52'37.34"N
67	124° 8'23.99"E	12°52'37.88"N
68	124° 8'25.05"E	12°52'45.46"N
69	124° 8'26.41"E	12°52'46.11"N
70	124° 8'29.46"E	12°52'54.70"N
71	124° 8'28.64"E	12°52'57.48"N
72	124° 8'30.92"E	12°52'58.98"N
73	124° 8'29.94"E	12°53'0.12"N
74	124° 8'37.73"E	12°53'9.86"N
75	124° 8'42.14"E	12°53'6.14"N
76	124° 8'42.01"E	12°53'4.90"N
77	124° 8'40.31"E	12°53'3.16"N
78	124° 8'41.91"E	12°53'2.97"N
79	124° 8'44.41"E	12°53'3.99"N
80	124° 8'48.21"E	12°53'2.63"N
81	124° 8'51.45"E	12°53'3.97"N
82	124° 8'52.64"E	12°53'5.48"N
83	124° 8'51.83"E	12°53'6.03"N
84	124° 8'55.90"E	12°53'10.74"N
85	124° 8'53.69"E	12°53'12.60"N
86	124° 8'54.04"E	12°53'20.21"N
87	124° 8'55.54"E	12°53'32.81"N
88	124° 8'53.49"E	12°53'37.22"N
89	124° 8'51.89"E	12°53'37.39"N
90	124° 8'52.48"E	12°53'39.12"N
91	124° 8'49.72"E	12°53'46.98"N
92	124° 8'44.36"E	12°53'53.44"N
93	124° 8'38.22"E	12°53'55.35"N
94	124° 8'37.51"E	12°53'53.98"N
95	124° 8'34.37"E	12°53'54.81"N
96	124° 8'28.05"E	12°53'49.12"N

97	124° 8'25.15"E	12°53'41.42"N
98	124° 8'26.81"E	12°53'38.97"N
99	124° 8'24.67"E	12°53'38.72"N
100	124° 8'28.62"E	12°53'34.56"N
101	124° 8'23.18"E	12°53'34.92"N
102	124° 8'22.68"E	12°53'36.35"N
103	124° 8'17.29"E	12°53'36.91"N
104	124° 8'3.26"E	12°53'30.87"N
105	124° 7'44.27"E	12°53'42.39"N
106	124° 7'32.88"E	12°53'56.01"N
107	124° 7'19.05"E	12°54'27.64"N

Provided that areas for the following stationary and/or passive gears and/or fishing and mariculture activities shall be determined by the technical staff of the Municipal Agriculture Office and/or with the assistance from a competent individual, organization or agency subject to prohibitions set by the national laws and this ordinance:

8.2.1.1 Areas for Fish Corral Construction

8.2.1.2 Areas for Fish Traps and Pots

8.2.1.3 Fry gathering areas

8.2.1.4 Gleaning

8.2.1.5 Areas for Atras

8.2.1.6 Establishment of fish cages

15.4.1.7 Seaweed culture; and

15.4.1.8 Culture of other species as may be determined by the municipality

8.2.2 Policies and regulations within the Stationary Zone. For the purpose of sustainable utilization and management of the coastal and fisheries resources within the Stationary Zone, the following policies and regulations are hereby promulgated:

8.2.2.1 No person shall be allowed to fish in the municipal waters unless he complies with the registration and licensing system for fishing operations and activities as specifically provided in this ordinance;

8.2.2.2 Only passive gears are allowed in the stationary zones;

8.2.2.3 Fish corral shall have a maximum length of 500 meters from catching chamber/bunt up to the end of the tail ("turis"). There shall be a maximum of 2 units per operator and maximum of 3 units per association/organization;

8.2.2.4 Fish corral shall not be made from mangrove cuttings, narra, and all tree species prohibited to cut by DENR;

8.2.2.5 The materials for the construction of any fish corral, fish pen, fish cage, mussel or oyster farm, "lap-gap" or any structure using bamboo or anahaw poles should come from legitimate sources covered by a certificate of Minor Forest Product Permit issued by the DENR;

8.2.2.6 Overturning of stones, corals; using of rakes, shovel and the like in gleaning is strictly prohibited;

8.2.2.7 Cable used in "atras" shall have a maximum length of 20 feet and maximum diameter of 2.5 meters. Only 1 unit of "atras" per operator shall be allowed.

- 8.2.2.8 Fish Corrals shall be prohibited and dismantled whenever a closed season is declared and established by the Sangguniang Bayan;
- 8.2.2.9 The licensee or permittee of any fish corral/ "baklad"/ "bonoan"/ "sagkad"/ "lapgap"/ "tangkal"/ (Stationary Bag Net) fish cage, fish pen or mussel farm shall install warning lights or beacon lights within the structure to make them visible at night to avert accident. Distinguishing marks should also be placed such as: name of operator/owner and permit number to operate. Similarly, fishing vessels must have or shall be installed with navigation lights or beacons.
- 8.2.2.10 The lessee, licensee or permittee shall not undertake construction of any structure which will obstruct free navigation in municipal waters, any stream or river flowing through or adjoining the fish pens, fish cages, fish traps and fish ponds or impede the flow of the tide to and from the sea.
- 8.2.2.11 All mariculture activities shall be within the stationary zone of the Managed Access Area.
- 8.2.2.12 All mariculture activities shall conform and comply with the permitting and licensing system established by the municipality as defined in this ordinance;
- 8.2.2.13 A distance of 15 meters shall be established per fish cage and 10 meters for each farm for seaweed culture;
- 8.2.2.14 No fish-cage shall be constructed within fifty (50) meters from the lowest tide mark;
- 8.2.2.15 No fish-cage shall also be constructed in designated navigational route;
- 8.2.2.16 No fish-cage shall also be constructed in front of any wharf;
- 8.2.2.17 A maximum area of 100 sq.m. of fish cages may be granted to each operator/concession. A maximum area of 500 square meters of fish cages may be granted for juridical.
- 8.2.2.18 A maximum area of 0.25 ha of seaweed farm may be granted to each operator. A maximum area of 1 ha of seaweed farm may be granted for juridical.
- 8.2.2.19 The mesh size of the net of the fish cage depends on the size of the fish fry.
- 8.2.2.20 Accredited people's organization and/or qualified residents of Gubat shall be given priority in the grant of permits and/or licenses for aquaculture/mariculture activities;
- 8.2.2.21 Application for new fishpond lease agreement is also prohibited; and
- 8.2.2.22 Source of planting stock for seaweeds, fish fries and seed stock of other cultivable organisms should be properly quarantined before planting the starters in the area.

8.3 Tourism Zone.- As a policy to promote coastal tourism in the municipality, the following area is hereby designated as tourism zone which covers a total area of 142 hectares and located at the following geographic coordinates:

Point	Longitude	Latitude
1	124° 7'15.85"E	12°54'44.21"N
2	124° 7'19.42"E	12°54'23.81"N
3	124° 7'33.71"E	12°53'53.21"N
4	124° 7'47.54"E	12°53'38.31"N

5	124° 8'2.76"E	12°53'30.50"N
6	124° 7'54.46"E	12°53'26.74"N
7	124° 7'43.38"E	12°53'27.62"N
8	124° 7'30.65"E	12°53'34.15"N
9	124° 7'12.20"E	12°53'52.18"N
10	124° 7'1.67"E	12°54'17.28"N
11	124° 7'0.94"E	12°54'30.27"N

**8.3.1** Policies and regulations within the Tourism Zone. For the sustainable tourism activities within the tourism zone of the municipality, the following policies and regulations are hereby promulgated:

**8.3.1.1** A study shall be conducted to determine the carrying capacity of all tourism facilities, number of tourists/visitors, and structures to be established to cater to the service needs in a sustainable manner;

**8.3.1.2** All tourism activities in the tourism zone shall conform with the existing plans and policy framework for eco-tourism development and promotion of the municipality;

**8.3.1.3** Tourism facilities shall comply with the basic requirements provided in Republic Act No. 9275 especially on the proper construction of comfort rooms and the like structures and the management of wastewater; and the provisions of Republic Act No. 9003 on proper solid waste management;

**8.3.1.4** No permanent structure shall be constructed within the marine and inland waters of the municipality for tourism – related purposes;

**8.3.1.5** Fencing of tourism facilities ten (10) meters from the highest tide is prohibited; and

**8.3.1.6** Tourism operators shall apply for accreditation of their tourism facilities to the Office of the Mayor.

**8.4** Navigational Zone. Maritime zone of the municipality is composed of the following subzone, with the corresponding geographical coordinates:

**8.4.1** Barangay Bagacay Navigational Zone

Danao

Point	Longitude (°E)	Latitude (°N)
1	124° 8'51.15"	12°59'9.64"
2	124° 9'0.85"	12°59'5.48"
3	124° 9'3.48"	12°59'1.71"
4	124° 9'13.95"	12°58'55.32"
5	124° 9'24.69"	12°58'51.03"
6	124° 9'26.15"	12°58'53.51"
7	124° 9'8.23"	12°59'7.36"
8	124° 8'54.10"	12°59'10.58"
9	124° 8'51.62"	12°59'12.04"

Karayat

Point	Longitude (°E)	Latitude (°N)
1	124°8'57"	12°59'40"
2	124°9'2"	12°59'41"

3	124°9'29"	12°59'10"
4	124°9'36"	12°59'13"
5	124° 9'24.69"	12°58'51.03"

#### Muwalbuwal

Point	Longitude (°E)	Latitude (°N)
1	124°8'28"	12°58'35"
2	124°8'29"	12°58'36"
3	124°8'49"	12°58'35"
4	124°8'48"	12°58'37"

#### Pasabayan

Point	Longitude (°E)	Latitude (°N)
1	124°8'51"	12°58'47"
2	124°8'49"	12°58'44"
3	124°8'32"	12°58'50"
4	124°8'32"	12°58'52"

#### Sabang

Point	Longitude (°E)	Latitude (°N)
1	124°8'40"	12°58'53"
2	124°8'52"	12°58'47"
3	124°8'53"	12°58'50"
4	124°8'41"	12°58'58"

#### 8.4.2 Barangay Paco - Ogao Navigational Zone

Point	Longitude (°E)	Latitude (°N)
1	124°8'19"	12°57'40"
2	124°8'19"	12°57'41"
3	124°8'17"	12°57'44"
4	124°8'16"	12°57'48"
5	124°8'17"	12°57'52"
6	124°8'16"	12°57'58"
7	124°8'17"	12°58'9"
8	124°8'18"	12°58'11"
9	124°8'20"	12°58'14"
10	124°8'28"	12°58'17"
11	124°8'34"	12°58'21"
12	124°8'36"	12°58'21"
13	124°8'39"	12°58'19"
14	124°8'41"	12°58'19"
15	124°8'42"	12°58'23"
16	124°8'46"	12°58'29"
17	124°9'6"	12°58'36"
18	124°9'6"	12°58'39"
19	124°8'47"	12°58'32"
20	124°8'42"	12°58'23"
21	124°8'41"	12°58'19"
22	124°8'39"	12°58'19"



23	124°8'36"	12°58'22"
24	124°8'29"	12°58'23"
25	124°8'29"	12°58'19"
26	124°8'25"	12°58'17"
27	124°8'20"	12°58'14"
28	124°8'18"	12°58'12"
29	124°8'16"	12°58'9"
30	124°8'15"	12°57'58"
31	124°8'17"	12°57'52"
32	124°8'16"	12°57'48"
33	124°8'17"	12°57'44"
34	124°8'19"	12°57'41"
35	124°8'19"	12°57'40"

#### 8.4.3 Barangay Tiris 1 Navigational Zone

Point	Longitude (°E)	Latitude (°N)
1	124°7'38"	12°56'38"
2	124°7'53"	12°56'13"
3	124°8'5"	12°56'30"
4	124°8'20"	12°57'12"
5	124°8'19"	12°57'39"
6	124°8'3"	12°57'40"

#### Tiris 2

Point	Longitude (°E)	Latitude (°N)
1	124°8'3"	12°57'40"
2	124°8'4"	12°57'39"
3	124°8'18"	12°57'39"
4	124°8'20"	12°57'41"
5	124°8'21"	12°57'40"
6	124°8'21"	12°57'39"
7	124°8'23"	12°57'39"
8	124°8'26"	12°57'37"
9	124°8'27"	12°57'36"
10	124°8'29"	12°57'35"
11	124°8'30"	12°57'35"
12	124°8'36"	12°57'36"
13	124°8'38"	12°57'37"
14	124°8'41"	12°57'38"
15	124°8'44"	12°57'38"
16	124°8'46"	12°57'37"
17	124°8'48"	12°57'36"
18	124°8'50"	12°57'36"
19	124°8'51"	12°57'36"
20	124°8'51"	12°57'36"
21	124°8'54"	12°57'38"
22	124°8'53"	12°57'39"
23	124°8'51"	12°57'37"

24	124°8'50"	12°57'37"
25	124°8'49"	12°57'37"

#### 8.4.4 Barangay Cogon Navigational Zone

Point	Longitude (°E)	Latitude (°N)
1	124°8'1"	12°55'58"
2	124°8'2"	12°55'55"
3	124°8'1"	12°55'52"
4	124°7'59"	12°55'36"
5	124°7'56"	12°55'29"
6	124°7'57"	12°55'25"
7	124°7'58"	12°55'22"
8	124°8'1"	12°55'21"
9	124°8'5"	12°55'18"
10	124°8'11"	12°55'14"
11	124°8'17"	12°55'11"
12	124°8'24"	12°55'7"
13	124°8'26"	12°55'7"
14	124°8'35"	12°55'5"
15	124°8'36"	12°55'7"
16	124°8'26"	12°55'11"
17	124°8'11"	12°55'17"
18	124°8'1"	12°55'24"
19	124°7'59"	12°55'25"
20	124°7'58"	12°55'30"
21	124°8'1"	12°55'36"
22	124°8'3"	12°55'49"
23	124°8'27"	12°55'50"
24	124°8'27"	12°55'53"
25	124°8'6"	12°55'50"
26	124°8'6"	12°55'57"
27	124°8'2"	12°56'6"
28	124°7'54"	12°56'14"
29	124°7'52"	12°56'13"
30	124°7'46"	12°56'13"
31	124°7'50"	12°56'12"
32	124°7'51"	12°56'12"
33	124°7'59"	12°56'4"
34	124°8'1"	12°56'0"

#### 8.4.5 Barangay Cota na Daco Navigational Zone

Point	Longitude (°E)	Latitude (°N)
1	124°7'37"	12°55'40"
2	124°7'42"	12°55'36"
3	124°7'46"	12°55'34"
4	124°7'50"	12°55'32"
5	124°7'55"	12°55'23"

6	124°7'58"	12°55'21"
7	124°8'7"	12°55'14"
8	124°8'14"	12°55'10"
9	124°8'23"	12°55'6"
10	124°8'26"	12°55'4"
11	124°8'30"	12°55'2"
12	124°8'35"	12°55'2"
13	124°8'35"	12°55'5"
14	124°8'26"	12°55'7"
15	124°8'24"	12°55'7"
16	124°8'17"	12°55'11"
17	124°8'11"	12°55'14"
18	124°8'5"	12°55'18"
19	124°8'1"	12°55'21"
20	124°7'58"	12°55'22"
21	124°7'57"	12°55'25"
22	124°7'56"	12°55'29"
23	124°7'53"	12°55'31"
24	124°7'45"	12°55'36"
25	124°7'40"	12°55'38"
26	124°7'38"	12°55'42"

#### 8.4.6 Barangay Balud del Norte Navigational Zone

Point	Longitude (°E)	Latitude (°N)
1	124°7'33"	12°55'32"
2	124°7'33"	12°55'34"
3	124°7'47"	12°55'24"
4	124°7'55"	12°55'19"
5	124°8'13"	12°55'7"
6	124°8'14"	12°55'10"
7	124°8'7"	12°55'14"
8	124°7'58"	12°55'21"
9	124°7'48"	12°55'26"

#### 8.4.7 Barangay Balud del Sur Navigational Zone

Point	Longitude (°E)	Latitude (°N)
1	124°7'31"	12°55'28"
2	124°7'48"	12°55'19"
3	124°7'58"	12°55'13"
4	124°8'5"	12°55'10"
5	124°8'8"	12°55'7"
6	124°8'11"	12°55'5"
7	124°8'13"	12°55'7"
8	124°7'55"	12°55'19"
9	124°7'47"	12°55'23"
10	124°7'33"	12°55'31"

## 8.4.7.1 Barangay Pinontingan Navigational Zone

Point	Longitude (°E)	Latitude (°N)
1	124°7'36"	12°55'12"
2	124°7'40"	12°55'5"
3	124°7'40"	12°55'8"
4	124°7'52"	12°55'11"
5	124°8'1"	12°55'10"
6	124°8'6"	12°55'7"
7	124°8'11"	12°55'5"
8	124°8'8"	12°55'7"
9	124°8'5"	12°55'10"
10	124°7'58"	12°55'13"
11	124°8'11"	12°55'4"
12	124°7'50"	12°55'14"

## 8.4.8 Barangay Panganiban Navigational Zone

Point	Longitude (°E)	Latitude (°N)
1	124° 7'35.17"	12°54'38.43"
2	124° 7'22.35"	12°54'37.63"
3	124° 7'22.61"	12°54'39.08"
4	124° 7'24.51"	12°54'39.05"
5	124° 7'32.32"	12°54'40.16"
6	124° 7'37.76"	12°54'41.79"
7	124° 7'46.32"	12°54'46.54"
8	124° 7'53.58"	12°54'50.63"
9	124° 7'58.93"	12°54'54.98"
10	124° 8'7.42"	12°55'0.35"
11	124° 8'9.25"	12°54'59.69"
12	124° 7'51.15"	12°54'46.08"

## 8.4.9 Barangay Ariman Navigational Zone

Point	Longitude (°E)	Latitude (°N)
1	124°7'2"	12°54'38"
2	124°7'3"	12°54'41"
3	124°7'5"	12°54'44"
4	124°7'12"	12°54'47"
5	124°7'18"	12°54'48"
6	124°7'20"	12°54'46"
7	124°7'22"	12°54'43"
8	124°7'22"	12°54'40"
9	124°7'23"	12°54'38"
10	124°7'22"	12°54'38"
11	124°7'22"	12°54'37"
12	124°7'24"	12°54'31"
13	124°7'26"	12°54'30"
14	124°7'27"	12°54'30"
15	124°7'29"	12°54'30"

16	124°7'33"	12°54'30"
17	124°7'37"	12°54'31"
18	124°7'39"	12°54'32"
19	124°7'49"	12°54'34"
20	124°7'57"	12°54'38"
21	124°7'59"	12°54'39"
22	124°8'1"	12°54'40"
23	124°8'8"	12°54'43"
24	124°8'8"	12°54'45"
25	124°8'1"	12°54'42"
26	124°7'57"	12°54'40"
27	124°7'42"	12°54'35"
28	124°7'27"	12°54'32"
29	124°7'25"	12°54'33"

#### 8.4.10 Barangay Buenavista Navigational Zone

Point	Longitude (°E)	Latitude (°N)
1	124°8'13"	12°54'31"
2	124°8'18"	12°54'26"
3	124°7'36"	12°53'46"
4	124°7'29"	12°53'53"
5	124°7'49"	12°54'11"
6	124° 8'13.06"	12°54'31.05"
7	124° 8'18.26"	12°54'26.26"
8	124° 7'36.31"	12°53'46.16"
9	124° 7'28.71"	12°53'52.89"
10	124° 7'48.50"	12°54'11.32"
11	124° 7'24.50"	12°53'46.87"
12	124° 7'25.93"	12°53'44.06"

#### 8.4.11 Barangay Rizal Navigational Zone

Point	Longitude (°E)	Latitude (°N)
1	124°7'57"	12°53'34"
2	124°7'55"	12°53'36"
3	124°7'54"	12°53'44"
4	124°7'54"	12°53'40"
5	124°7'58"	12°53'49"
6	124°8'14"	12°54'8"
7	124°8'23"	12°54'17"
8	124°8'47"	12°54'35"
9	124°8'53"	12°54'31"
10	124°8'45"	12°54'26"
11	124°8'40"	12°54'23"
12	124°8'35"	12°54'22"
13	124°8'29"	12°54'18"
14	124°8'24"	12°54'14"
15	124°8'21"	12°54'10"

16	124°8'19"	12°54'9"
17	124°8'15"	12°54'3"
18	124°8'11"	12°53'53"
19	124°8'4"	12°53'44"

**8.4.12** Policies and regulations within the navigational zone. To facilitate sustainable management and use of the navigational zone, the following policies and regulations is hereby promulgated:

- 8.4.12.1** Only registered and licensed fishing vessels shall be allowed to use the navigational zone.
- 8.4.12.2** Establishment of structures and use of stationary gears are strictly prohibited.
- 8.4.12.3** Racing of the fishing vessels in the navigational areas is strictly prohibited.
- 8.4.12.4** Maximum of 10 tonnage fishing vessels shall be allowed to use the navigational zone.
- 8.4.12.5** Marker bouys shall be installed.

**8.5** Docking Zone - Designated docking zones of every coastal barangay of the municipality are located in the following areas with their corresponding technical descriptions.

**8.5.1** Docking Area, located in Barangay Bagacay within the following geographic coordinates:

**Docking 1**

Point	Longitude (°E)	Latitude (°N)
1	124°8'31"	12°58'51"
2	124°8'30"	12°58'48"
3	124°8'29"	12°58'47"
4	124°8'29"	12°58'44"
5	124°8'29"	12°58'41"
6	124°8'29"	12°58'38"
7	124°8'28"	12°58'34"
8	124°8'29"	12°58'36"
9	124°8'30"	12°58'39"
10	124°8'31"	12°58'42"
11	124°8'31"	12°58'45"
12	124°8'32"	12°58'48"
13	124°8'32"	12°58'50"
14	124°8'32"	12°58'52"

**Docking 2**

Point	Longitude (°E)	Latitude (°N)
1	124°8'34"	12°58'58"
2	124°8'32"	12°58'52"
3	124°8'35"	12°58'59"
4	124°8'36"	12°59'0"
5	124°8'35"	12°59'1"
6	124°8'35"	12°59'2"



Handwritten signature or mark in the bottom right corner.

Handwritten signature or mark in the bottom right corner.

7	124°8'35"	12°59'2"
8	124°8'36"	12°59'2"
9	124°8'36"	12°59'2"
10	124°8'36"	12°59'2"
11	124°8'36"	12°59'1"
12	124°8'38"	12°59'2"
13	124°8'42"	12°58'56"
14	124°8'41"	12°58'55"
15	124°8'38"	12°58'51"

### Docking 3

Point	Longitude (°E)	Latitude (°N)
1	124°8'46"	12°59'11"
2	124°8'47"	12°59'13"
3	124°8'49"	12°59'16"
4	124°8'55"	12°59'12"
5	124°8'52"	12°59'10"
6	124°8'51"	12°59'7"

### Docking 4

Point	Longitude (°E)	Latitude (°N)
1	124°8'55"	12°59'23"
2	124°8'53"	12°59'24"
3	124°8'53"	12°59'25"
4	124°8'54"	12°59'25"
5	124°8'57"	12°59'25"
6	124°9'2"	12°59'20"
7	124°8'60"	12°59'18"

### Docking 5

Point	Longitude (°E)	Latitude (°N)
1	124°8'59"	12°59'39"
2	124°8'56"	12°59'38"
3	124°8'56"	12°59'40"
4	124°9'3"	12°59'40"
5	124°9'3"	12°59'39"

8.5.2 Docking Area, located in Barangay Paco within the following geographic coordinates:

Point	Longitude (°E)	Latitude (°N)
1	124°8'25"	12°58'17"
2	124°8'25"	12°58'18"
3	124°8'26"	12°58'18"
4	124°8'28"	12°58'20"
5	124°8'28"	12°58'23"
6	124°8'27"	12°58'29"
7	124°8'27"	12°58'34"
8	124°8'28"	12°58'34"
9	124°8'28"	12°58'29"

10	124°8'29"	12°58'22"
11	124°8'29"	12°58'19"
12	124°8'26"	12°58'17"

8.5.3 Docking Area, located in Barangay Ogao within the following geographic coordinates:

Point	Longitude (°E)	Latitude (°N)
1	124°8'2"	12°57'41"
2	124°8'0"	12°57'43"
3	124°7'57"	12°57'44"
4	124°7'57"	12°57'44"
5	124°8'0"	12°57'43"
6	124°8'2"	12°57'41"

8.5.4 Docking Area, located in Barangay Tiris within the following geographic coordinates:

Tiris 1

Point	Longitude (°E)	Latitude (°N)
1	124°7'38"	12°56'39"
2	124°7'38"	12°56'39"
3	124°7'38"	12°56'39"
4	124°7'38"	12°56'38"
5	124°7'38"	12°56'38"

Tiris 2

Point	Longitude (°E)	Latitude (°N)
1	124°8'4"	12°57'37"
2	124°8'4"	12°57'37"
3	124°8'4"	12°57'37"
4	124°8'4"	12°57'37"
5	124°8'4"	12°57'37"
6	124°8'4"	12°57'37"
7	124°8'4"	12°57'37"
8	124°8'4"	12°57'38"
9	124°8'3"	12°57'39"
10	124°8'3"	12°57'39"
11	124°8'3"	12°57'39"
12	124°8'3"	12°57'39"
13	124°8'3"	12°57'40"
14	124°8'3"	12°57'40"
15	124°8'3"	12°57'40"
16	124°8'3"	12°57'40"
17	124°8'3"	12°57'40"
18	124°8'3"	12°57'40"
19	124°8'3"	12°57'40"

8.5.5 Docking Area, located in Barangay Cogon within the following geographic coordinates:



## Cogon 1

Point	Longitude (°E)	Latitude (°N)
1	124°7'46"	12°56'13"
2	124°7'46"	12°56'13"
3	124°7'50"	12°56'12"
4	124°7'49"	12°56'12"

## Cogon 2

Point	Longitude (°E)	Latitude (°N)
1	124°8'0"	12°56'0"
2	124°8'1"	12°56'0"
3	124°8'1"	12°55'58"
4	124°8'1"	12°55'58"
5	124°8'2"	12°55'55"
6	124°8'2"	12°55'55"
7	124°8'1"	12°55'52"
8	124°8'1"	12°55'52"

8.5.5.1 Docking Area, located in Barangay Cota na Daco, Balud del Norte, and Balud del Sur within the following geographic coordinates:

Point	Longitude (°E)	Latitude (°N)
1	124°7'34"	12°55'36"
2	124°7'35"	12°55'36"
3	124°7'36"	12°55'39"
4	124°7'36"	12°55'39"
5	124°7'36"	12°55'42"
6	124°7'37"	12°55'42"
7	124°7'39"	12°55'44"
8	124°7'39"	12°55'44"
9	124°7'42"	12°55'46"
10	124°7'42"	12°55'46"
11	124°7'45"	12°55'47"
12	124°7'45"	12°55'47"

8.5.5.2 Docking Area, located in Barangay Pinontingan within the following geographic coordinates:

## Pinontingan 1

Point	Longitude (°E)	Latitude (°N)
1	124°7'35"	12°55'14"
2	124°7'36"	12°55'14"
3	124°7'37"	12°55'12"
4	124°7'37"	12°55'10"
5	124°7'36"	12°55'10"
6	124°7'35"	12°55'12"

## Pinontingan 2

Point	Longitude (°E)	Latitude (°N)
-------	----------------	---------------

1	124°7'39"	12°55'8"
2	124°7'38"	12°55'7"
3	124°7'40"	12°55'4"
4	124°7'40"	12°55'5"

8.5.5.3 Docking Area, located in Barangay Panganiban within the following geographic coordinates:

Point	Longitude (°E)	Latitude (°N)
1	124°7'27"	12°54'47"
2	124°7'27"	12°54'45"
3	124°7'30"	12°54'45"
4	124°7'30"	12°54'46"

8.5.5.4 Docking Area, located in Barangay Ariman within the following geographic coordinates:

Ariman 1

Point	Longitude (°E)	Latitude (°N)
1	124° 7'2.83"	12°54'37.37"
2	124° 7'3.09"	12°54'37.26"
3	124° 7'4.04"	12°54'40.34"
4	124° 7'4.21"	12°54'40.44"
5	124° 7'4.12"	12°54'40.63"
6	124° 7'3.81"	12°54'40.56"

Ariman 2

Point	Longitude (°E)	Latitude (°N)
1	124° 7'5.10"	12°54'42.64"
2	124° 7'5.27"	12°54'42.47"
3	124° 7'7.48"	12°54'44.42"
4	124° 7'7.33"	12°54'44.63"

Ariman 3

Point	Longitude (°E)	Latitude (°N)
1	124° 7'1.94"	12°54'40.44"
2	124° 7'2.12"	12°54'40.33"
3	124° 7'2.56"	12°54'40.95"
4	124° 7'2.83"	12°54'41.75"
5	124° 7'2.64"	12°54'41.80"

8.5.5.5 Docking Area, located in Barangay Buenavista within the following geographic coordinates:

Buenavista 1

Point	Longitude (°E)	Latitude (°N)
1	124° 7'32.72"	12°53'32.79"
2	124° 7'32.77"	12°53'32.94"
3	124° 7'34.86"	12°53'31.56"
4	124° 7'34.77"	12°53'31.41"

## Buenavista 2

Point	Longitude (°E)	Latitude (°N)
1	12°53'44.45"	124° 7'22.83"
2	12°53'46.91"	124° 7'24.36"
3	12°53'45.87"	124° 7'25.30"
4	12°53'44.87"	124° 7'25.11"
5	12°53'44.05"	124° 7'25.84"
6	12°53'42.80"	124° 7'24.42"

8.5.5.6 Docking Area, located in Barangay Rizal within the following geographic coordinates:

## Rizal 1

Point	Longitude (°E)	Latitude (°N)
1	124°8'1"	12°53'29"
2	124°8'0"	12°53'31"
3	124°7'58"	12°53'28"
4	124°7'58"	12°53'30"

## Rizal 2

Point	Longitude (°E)	Latitude (°N)
1	124°8'2"	12°53'31"
2	124°8'3"	12°53'30"
3	124°8'8"	12°53'32"
4	124°8'7"	12°53'33"

## Rizal 3

Point	Longitude (°E)	Latitude (°N)
1	124°8'14"	12°53'35"
2	124°8'14"	12°53'34"
3	124°8'18"	12°53'36"
4	124°8'18"	12°53'37"

## Rizal 4

Point	Longitude (°E)	Latitude (°N)
1	124°8'24"	12°52'45"
2	124°8'24"	12°52'45"
3	124°8'21"	12°52'46"
4	124°8'21"	12°52'46"


8.5.6 Policies and regulations within the docking zone. To facilitate sustainable management and use of the navigational zone, the following policies and regulations are hereby promulgated:

8.5.6.1 Fisherfolk who are not registered fisherfolk of Gubat shall have to pay the corresponding docking fee in the barangay they shall dock.

8.5.6.2 The barangay LGU shall decide the corresponding docking fee.

## 8.6 Mobile Zone

8.6.1 Policies and regulations within the mobile zone.




Fishing activities allowed in the mobile zone are subject to the limitations set by the national laws and this ordinance.

#### Section 9. Use of the Municipal Waters

All fisheries and coastal related activities in the municipal waters, subject to existing laws and regulations, shall be utilized by the registered municipal fisherfolk and their organizations and cooperatives duly accredited by the Sangguniang Bayan: *Provided*, That other activities, such as but not limited to, research and monitoring activities may be allowed under appropriate regulations, for purely research, scientific, technological and educational purposes.

*Provided further*, That no commercial fishing vessel is allowed to operate within the municipal waters.

#### Section 10. Municipal Fisherfolk from Adjacent Municipalities

Municipal fisherfolk from other municipalities may be allowed to use the municipal waters: *Provided* that they should be registered municipal fisherfolk in their respective municipalities and shall secure the necessary fishery license from the Municipal Government: *Provided, however*, that they shall pay the amount of the prescribed fees for the use of the municipal waters and its coastal resources: *Provided, further*, that the license issued to the municipal fisherfolk from other municipalities shall be legal and binding for three (3) months and may be renewed subject to existing rules and regulations: *Provided, further*, that the municipal fisherfolk from the other municipalities shall abide all ordinances and executive orders pertaining to the use and management of the municipal waters and its coastal resources: *Provided, furthermore*, that fisherfolk from other municipalities/city shall not be allowed to enter Managed Access Area and Sanctuary. *Provided finally*, that should any municipality or city closes its municipal or city waters to fisherfolk of Gubat with legal licenses and gears, the LGU of Gubat shall also refrain fisherfolk and their boats and gears coming from the concerned municipality/city from entering its municipal waters.

#### Section 11. Registry of Municipal Fisherfolk

The Municipal Government shall maintain a registry of municipal fisherfolk for the purpose of determining priorities among them, of regulating and limiting entry into the municipal waters, and of 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, and shall be posted in barangay halls or other strategic locations where it shall be open to the public, for the purpose of validating the correctness and completeness of the list: *Provided, further*, 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 fisherfolk. The FARMC may likewise recommend such mechanisms: *Provided, finally*, that the Municipal Government shall also maintain a registry of municipal fishing vessels, type of gears and other boat and fishing particulars.

### Article III

#### Utilization and Exploitation of Fishery Resources

#### Section 12. Access to Managed Access Areas

The municipality hereby adopts the policy of limited access to fisheries and aquatic resources within the Gubat Managed Access Areas exclusively for the use and enjoyment of registered and licensed fisherfolk of Gubat for limited fishing activities.

12.1 *Provided*, That in the approval of applications for registration of fisherfolk and license to fish, strict regulation must be observed on the number, size or length of the fishing gears per fisherfolk, taking into consideration the maximum sustainable yield (MSY) and carrying capacity of the Managed Access Areas under existing environmental conditions. It shall be planned and monitored through the mechanism to be established and duly approved by the Gubat Managed Access Areas + Sanctuary (GMAAS) Management Board.

12.2 There is hereby created a Gubat Managed Access Areas + Sanctuary Management Board (GMAAS Management Board) composed of the following:

Chairman : SB Chairman on Committee on Agriculture and Fisheries  
 Members : Municipal Agriculturist  
 Municipal Environment and Natural Resources Officer  
 Municipal Fisheries and Aquatic Resources Management Council (MFARMC)

Secretariat : AT - Fisheries

For this purpose, the Municipal Mayor shall issue an Executive Order to constitute the GMAAB and the appointments of its officers and members who shall sign/accept it in the same document. They shall commence discharging their powers and functions after taking their oath of office.

The term of office of the GMAAS Management Board shall be for three (3) years inclusive of the term of the Mayor: *Provided, however*, that after the expiration of the term of the Mayor the GMAAS Management Board shall continue to discharge their duties until after new appointments are issued by the appointing authority. Any vacancy that may occur shall be filled up by appointment for the unexpired term only.

Section 13. Powers and Functions - The GMAAS Management Board by virtue of this ordinance is hereby vested with the following powers and functions:

- a. Act as the primary policy making and recommending body of Gubat Managed Access Area + Sanctuary (Gubat MAA+S) subject to the approval by the Mayor and concurrence of the Sangguniang Bayan;
- b. Formulate and develop overall management plan and special management plans for different management zones within the Gubat MAA+S;
- c. Develop administrative system and manual of operations of GMAAS Management Board and define the duties and responsibilities of different committees and bodies under its supervision
- d. Come up with a list of disputes falling under the authority/responsibility of the Grievance Committee and the guidelines in grievance handling;
- e. Promulgate the Rules of Procedure of the Municipal Adjudication Board (MAB) and the Municipal Board of Appeal (MBA);

- f. Manage the special trust fund derived from the funding support of the Municipality and its share from all the monies collected from payment of registration fees, licenses, permits, penalties and fines, as a consequence of coastal and fisheries law enforcement;
- g. Hold regular quarterly and special meetings and thru the Chairman convene the initial meetings of different committees and bodies for them to elect and sworn in their respective officers and members;
- h. Define the roles of various committees and stakeholders—including fishers, fisherfolks associations, Barangay LGUs, BFARMC, national government agencies (NGAs), non-government organizations (NGOs) and the Academe in the implementation of the TURF+Reserve strategy in GMAAS;
- i. Develop project proposals for funding of its various programs and projects in GMAAS;
- j. Oversee the conservation and protection of protected zones, enforce the catch monitoring and reporting among the registered and license fishers, market linkaging, and the coastal and fisheries law enforcement operations within and around the municipal waters of Gubat;
- k. Consult with fishers regularly to get their feedbacks and inputs regarding the implementation of MAA+S and MPA strategy in the management of nearshore fisheries.
- l. Establish a database and institutionalize data gathering to benchmark fisheries management control, monitoring and surveillance system for short and long term evaluation of the program.
- k. Undertake periodic assessment of the implementation MAA+S strategy in meeting its biological, economic and social goals.
- m. Link-up with NGAs, NGOs and Academe to avail of their technical assistance and network of scientists and experts in fisheries management at the national and regional levels.
- n. Perform such other functions as may be necessary, appropriate, or incidental for its efficient and effective governance of GMAAS.

#### Section 14. Preferential Treatment to Municipal Fisherfolk and Their Organizations in the Grant of Exclusive Fishery Privileges

The duly registered and accredited organizations; cooperatives of municipal fisherfolk; peoples' organizations which have municipal fisherfolk comprising the majority of members shall have preference in the grant of exclusive fishery privilege by the Sangguniang Bayan, pursuant to Section 149 of the Local Government Code of 1991: *Provided*, That the Sangguniang Bayan shall be guided by the following procedures:

- 14.1 The Sangguniang Bayan shall post in the municipal hall and in at least two (2) other strategic places a notice to fisherfolk' 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 announced once a week for four (4) consecutive weeks. The same notice shall indicate the amount of the exclusive fishery privilege.

- 14.2 Interested parties shall have a period of 45 days from the posting of the notice to signify their intention to the Sangguniang Bayan to avail of the exclusive fishery privilege.
- 14.3 Should two (2) or more groups signify their intent to avail the exclusive fishery privilege, the Sangguniang Bayan shall accommodate them, if possible. If this should not be possible, the Sangguniang Bayan, in consultation with the FARMC, shall draw up guidelines to resolve the matter.
- 14.4 Only when no organization has signified their intent to avail the privilege or the failure of the grant of the exclusive fishery privilege to the organization shall other parties be invited to participate in a public bidding. Provided, however, That interested bidders should have fishery license issued by the municipal government.
- 14.5 The Sangguniang Bayan through a resolution shall award the exclusive fishery privilege.
- 14.6 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. Limitation on the Grant of Exclusive Fishery Privilege

The following limitations shall be strictly followed:

- 15.1 The exclusive fishery privilege shall be binding and legal for one (1) year.
- 15.2 The exclusive fishery privilege shall not be sub-contracted or sub-leased, in whole or in part.
- 15.3 The members of the fisherfolk organizations or cooperatives whose households 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:

- 16.1 Construction and operation of fish corral and/or gathering of bangus fry outside of the designated area in the municipal waters;
- 16.2 Violation of any fisheries and environment-related ordinances;
- 16.3 Use of dummies;
- 16.4 Failure to comply with national laws, rules and regulations; and
- 16.5 When public welfare so requires as deemed by the municipal government, in consultation with the FARMC

*Provided*, That a voluntary written request to forego the exclusive fishery privilege by the holder is a sufficient ground for the cancellation of the privilege.

#### Section 17. Harvest Control Rules in Municipal Waters

The DA-BFAR shall assist the LGU and special agencies in establishing HCR in municipal waters and waters under the jurisdiction of special agencies.

## Management, Development and Conservation of Coastal and Fisheries Resources

### Section 18. Prohibition/Banning in the Catching and Gathering of Siganid species locally known as Kuyog/Padas

The municipal government shall totally ban catching and gathering of siganid species locally known as Kuyog/Padas except for culture.

### Section 19. Regulation of Use of Tamba

It shall be unlawful for any person to use tamba within 100 meters of Ragnas and Namantaw Fish Sanctuaries and new fish sanctuaries and marine protected areas that may be established in the future, within 50 meters from fish cages, fish corrals and other infrastructure allowed by this ordinance.

### Section 20. Regulation of Use of Sudsud and Atras

For humanitarian reasons, the use of "sudsud" maybe allowed between the months of June to January, provided that, it shall be unlawful to use sudsud in catching other than langaw langaw and in the following areas: Beach, sea grass, outside the river, river opening

The specification of atras allowed by this ordinance is maximum of 2.5 meters in diameter. Maximum of 1 unit per operator shall be allowed.

### Section 21. Regulation of Use of 3ply/2ply

It shall be unlawful to use 2ply/3ply with center net below 3 centimeters.

### Section 22. Regulation on Use of Fine Meshed Nets in Fish Corrals

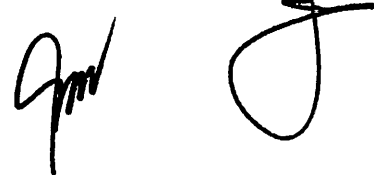
The use of fine mesh net is regulated in regard to the capture of "balingon" and "manamsi" in licensed fish corrals where it is allowed during new moon and three days after, during the months of July to September only. Provided that, fine mesh nets shall be used for bunts ("karit-an") only. A special permit of P20.00 shall be secured for the purpose.

### Section 23. Limited Entry Into Overfished Areas

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

### Section 24. Mangrove Protection and Conservation

The municipal government, in coordination with the Department of Environment and Natural Resources, the MFARMC and other concerned organizations, shall initiate proper management of mangrove areas: *Provided*, That the municipal government, in coordination with the Department of Environment and Natural Resources shall develop programs that promote and ensure community participation in the rehabilitation and management of existing mangrove areas.





### Section 25. Protection of Other Marine Habitats

The municipal government, in coordination with the MFARMC and other concerned organizations, shall ensure the protection and conservation of other marine habitats in the municipal waters: *Provided*, That the municipal government, in consultation with the MFARMC, shall regulate the use of fishing gears and other human activities that may adversely affect the marine habitat.

### Section 26. Coastal and Aquatic Pollution

All activities in the grounds or waters, directly or indirectly, which result or likely to result in such deleterious effect which harm living and non-living aquatic resources, 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: *Provided*, That it shall be the responsibility of the polluter to contain, remove and clean-up pollutants at his/her own expense: *Provided, however*, That in case of failure to do so, the municipal government in coordination with other concerned agencies and institutions, shall undertake containment, removal and clean-up operations and the expenses incurred in said operation shall be charged against the person and/or entities responsible for such pollution.

### Section 27. Maintenance of Water Quality and Cleanliness

The municipal government shall monitor the quality of the water at the optimal level relative to natural productivity and the cleanliness of the areas devoted for aquaculture development.

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

## Article V

### AQUACULTURE AND MARICULTURE DEVELOPMENT

### Section 28. Promotion of Aquaculture and Mariculture

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 municipality shall ensure that resources are used responsibly and adverse impacts on the environment and on local communities are minimized: *Provided, however*, That coastal aquaculture development shall consider the genetic diversity and ecosystem integrity of the municipal waters: *Provided, further*, That the municipal government shall ensure that the livelihood of the people and their access to fishing grounds are not adversely affected: *Provided, furthermore*, That the municipal government shall establish effective procedures to undertake appropriate environmental assessment, monitoring and mitigation with the aim of minimizing adverse ecological changes and related economic and social consequences resulting from water extraction, discharge of effluents, use of chemicals, and other aquaculture activities.

### Section 29. Designated Areas for Fishcages

The municipal government shall designate the area established in Section 8.2 of this ordinance for the establishment and operation of fish cages in the municipal waters. *Provided, However*, That no fish cage shall be constructed and operated outside of the designated area, except for scientific and education purposes.

**Section 30. Limitation of the Granting of License to Construct and Operate Fishcage**

The following limitations shall be strictly followed:

- 30.1 Ownership is limited to at most three (3) fish cage modules per licensee;
- 30.2 License to construct and operate a fish cage shall be binding and legal for 1 year and subject to renewal every year;
- 30.3 The fish cage shall not be subleased, in whole or in part. Joint venture operation, partnership and/or management contract on a profit-sharing basis may be allowed only with prior consent from the municipal government.
- 30.4 The use of dummies shall be sufficient cause for the disqualification of an applicant from obtaining such permit.

**Section 31. Grounds for the Rejection of Applications for License to Construct and Operate Fishcage**

The following are the grounds for rejection of an application for a permit to construct and operate fishcage:

- 31.1 Fraudulent, false and misleading statements in the application;
- 31.2 Failure to pay the prescribed fees and to fulfill other requirements; and
- 31.3 When public welfare so requires.

**Section 32. Grounds for Cancellation of License to Construct and Operate Fishcage**

The following are the grounds for the cancellation of a permit to construct and operate fish cage:

- 32.1 Fraudulent, false and misleading statements in the application;
- 32.2 Failure to comply with the provisions of existing national laws and local ordinances;
- 32.3 Construction and operation of fish cage outside of the designated area;
- 32.4 Abandonment and non-operation of the area for 6 months and/or lack of interest of the permittee to continue;
- 32.5 Failure to pay the necessary fees and other surcharges relative thereto;
- 32.6 Non-construction of fish cage within 6 months from the date of issuance of the permit to construct and operate; and
- 32.7 When public welfare so requires as deemed by the municipal government.

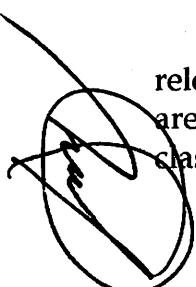
A voluntary written request of the licensee is sufficient for the cancellation of a permit.

**Section 33. Registration of Fish Hatchery and Private Fishponds**

All fish hatcheries, fish breeding facilities and private fish ponds must be registered subject to prescribed fees with the municipal government which shall prescribe minimum standards for such facilities in consultation with the Department of Agriculture and Department of Environment and Natural Resources.

**Section 34. Contribution of Fish Pond Operators to Natural Resources**

Fish pond operators should contribute in terms of natural propagation by releasing mother crabs/breeder crabs regularly into the designated protected breeding area every three (3) months. Number of breeder crabs to be released shall depend on the classification of fish pond operators as follows:



Small - scale operator ( less than 0.5 hectare) - 4 or more healthy, mature breeder crabs

Medium - scale operator (0.5 to 1.0 hectare) - 6 or more healthy, mature breeder crabs

Large - scale operator (more than 1.0 hectare) - 10 or more healthy, mature breeder crabs

## Article VI Payao/Hilay/Buya and Fish Aggregating Devices

### Section 35. Use of Payao/Hilay/Buya and Fish Aggregating Devices

The municipal government shall regulate the use of payao/hilay/buya and other fish aggregating devices in the municipal waters. Provided, That only registered municipal fisherfolk shall utilize payao/hilay/buya or any other fish aggregating devices in the municipal waters. Provided further, that the payao user shall pay the corresponding fee. Provided finally, that the maximum number of units allowed per association is 5 and maximum of 3 units for individual operators is allowed.

## Article VII

### Fishery Licensing

#### Section 36. Registration/Licensing For Fisherfolk, Boats and Gears

All individuals, cooperatives, partnerships, firms or corporations who are listed in the Registry of Municipal Fisherfolk, boats and gears shall be issued Fishery License by the Municipal Mayor, upon payment of the prescribed fees: *Provided, however,* That the Fishery License is non-transferable: *Provided, further,* That the holders agree unconditionally to comply with all the laws, orders, policies, and rules and regulations governing fishing. The licensee shall also assume responsibility for any and all of his acts with his fishing operation.

Fishery license for fisherfolk, boats and gears shall be granted for a period of one year and shall expire on the thirty first (31<sup>st</sup>) of December following the date of issuance unless revoked or surrendered earlier unless provided herein.

The Fishery License shall be renewed only until January 31<sup>st</sup> and renewed annually thereafter. Every license shall cease to be in force upon revocation thereof. The license issued shall be renewed within the thirty one (31) days of January. It shall have a continuing validity only upon renewal thereof and payment of the corresponding fee. There shall be a fine of 25% penalty for late renewal of fishery license and 2% fine to be charged for every succeeding month.

Since fishing gears are replaceable once damaged, license for these is transferable within the year the original fishing gears were registered, but it should be the same number of gears and specifications as were registered.

#### Section 37. Licensing Procedures

Applicants for Fishery License shall submit the following documents to the Municipal Agriculture Office:

37.1 Duly Accomplished Application Form

37.2 Community Residence Certificate (for individual) or Certificate of Registration or Certificate of Accreditation (for organizations, cooperatives, partnership, firms or corporations)

- 37.3 Barangay Clearance  
 37.4 Fisherfolk ID  
 37.5 Police Clearance  
 37.6 Engine number (if applicable)

**Section 38. Manner of Collection of License and Registration Fees**

The Barangay Treasurers will be deputized by the Municipal Treasurer to collect license fees, boat and gear registration. Proceeds from licensing and registration shall accrue to the Municipal Treasury Office to be remitted to the General Fund. There shall be 40% incentive allocated to the respective barangays where these fees were collected while 60% will go to the General Fund. Such fees shall be utilized by the M/BLGU to finance coastal resources management/fisheries development.

**Section 39. Imposition of Fees**

License to exploit, occupy, produce, culture, capture, or gather fish of any species and other fisheries products in the municipal waters shall be granted by the Municipal Mayor valid for one (1) year upon payment of corresponding fees at the rate not exceeding those fixed hereunder: *Provided, however,* That registered fisherfolk from other municipalities who will be permitted to use the municipal waters of this municipality shall pay the rate fixed hereunder:

**For fisherfolk from Gubat:**

For Individuals	-	P 50.00
For Fisherfolk' Organization or Cooperatives	-	P 200.00

**For Fisherfolk from Other Municipalities (valid for 3mos only)**

For Individuals	-	P 175.00
For Fisherfolk Organization or Cooperatives	-	P 750.00

Provided that fisherfolk from other municipalities need to show fishery license issued by their municipality to obtain fishery license from Gubat.

Annual fees for the license of fishing vessels are listed hereunder:

**Annual Fee for the License of Fishing Vessel**

Type of Fishing Vessel	Annual Fee
Non - Motorized Vessel	20.00
Motorized Vessel below 10 hp	50.00
Motorized Vessel 10 hp to 16 hp	75.00
Motorized Vessel more than 16 hp	100.00

Annual fees for the license of legal fishing gears are listed hereunder:

**For using and/or engaging of legal gears**

Kind of Fishing Gear	Annual Fee
1. Fish Trap	
Bubo sa isda	P 1.00 per pc
Bubo sa kasag/kinis	P 1.00 per pc
Bubo sa kanoos	P 1.00 per pc
Bintol (kasag/kinis)	P 1.00 per pc
2. Fish nets/Hikot	

Banata (max of 1,000 m)	P 5.00 per banata
3. Other Fishing Gears	
Banwit/Pakitang	P 20.00 per unit
Pana	P 20.00 per unit
Pangugita	P 20.00 per unit
Tikpaw/Agahid	P 5.00 per unit
Palutang/Paanod(Pamo)	P 500.00 per unit
Sudsud	P 100.00 per unit
Atras	P 100.00 per unit

Annual fees for the license of fishing privileges are listed hereunder:

Fishing Privileges	Annual Fee	Maximum Length per Unit
1. Fish corral in marine waters/freshwater/brackish per unit in		
Less than 3 meters deep	P 100.00	Less than 300 m length
3 m deep or more but less than 5 m deep	P 200.00	300 m - 500 m length
5 m deep or more but less than 8 m deep	P 300.00	Not more than 500 meters in length
8 meters deep or more	P 600.00	Not more than 500 meters
2. For operation of fish cages		
Individual (100 sq.m. maximum)	P 200.00	
Juridical (500 sq.m. maximum)	P 1,000.00	
3. Catching of bangus fries or "kawag kawag", prawn fries or fries of other species	P 100.00	
4. Catching of crablet "langaw langaw"	P 250.00	
5. Gathering of sea urchin	P 1,000.00	
6. Establishment of Hilay (pangkanoos/pang-isda) Individual - max of 5 units Juridical - max of 10 units	P 30.00 per hilay	
7. Establishment of Payao/Buya Individual - max of 1 unit Juridical - max of 3 units	P 150.00 per unit	

8. For the establishment/operation of seaweed farms		
Individual - Maximum of 0.25 ha	P 100.00	
Juridical - Maximum of 1 ha	P 400.00	
9. For the establishment / operation of pearl farms		
Individual - maximum of 100 sq.m.	P 200.00	
Juridical - maximum of 500 sq.m.	P 1,200.00	
10. For the operation of private fish pond	Small - P 250.00 Medium - P 500.00 Large - P 1,000.00	
11. For the operation of fish pen		
Individual (maximum of 0.1 ha)	P 250.00	
Juridical (maximum of 0.5 ha)	P 1,000.00	

Annual Fees for Other Fishing Privileges

Gathering of allowed shelled mollusks

- a. Boat owner/operator P 250.00
- b. Diver P 50.00

Registration fees for private fish ponds are as follows:

- Small (less than 0.5 hectare) - P 250.00
- Medium (0.5 to 1.0 hectare) - P 500.00
- Large (more than 1.0 hectare) - P 1,000.00

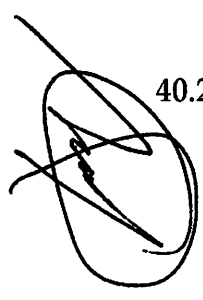
Section 40. Coding of Motor Boats

The municipality government shall designate a color code for all registered motor boats for each cluster that will be operated in the municipality: Provided, That the boats shall be marked with the municipal logo and the number code assigned to each barangay.

40.1 Color code for each cluster is as follows:

- Orange - Cluster 1
- Yellow - Cluster 2
- Neon Green - Cluster 3

40.2 Number code for each barangay is as follows:



No.	Barangay	No.	Barangay	No.	Barangay
1	Bagacay	15	Cabiguhan	29	Union
2	Ogao	16	Payawin	30	Sangat
3	Paco	17	Carriedo	31	Togawe
4	Tiris	18	Jupi	32	Tigkiw
5	Cogon	19	Lapinig	33	Bentuco
6	Cota na Daco	20	Dita	34	Nazareno
7	Balud del Sur	21	Manapao	35	Villareal
8	Balud del Norte	22	Beriran	36	Benguet
9	Pinontingan	23	San Ignacio	37	Patag
10	Panganiban	24	Sta. Ana	38	Nato
11	Ariman	25	Manook	39	Tagaytay
12	Buenavista	26	Tabi	40	Paradijon
13	Rizal	27	Bulacao	41	Luna Candol
14	Casili	28	Naagtan	42	Cabigaan

#### Section 41. Permit to Anchor and/or Engage in Business in the Municipality

All sea crafts from outside the municipality that will anchor in the municipal waters and/or engage in any business in the municipality shall pay the following fee to the municipal government:

For sea craft of less than 3 GT	-	P 100.00/day
For sea craft of 3 - 10 GT	-	P 200.00/day
For sea craft of 10 GT- 150 GT	-	P 500.00/day
For sea craft of more than 150 GT	-	P 1,000.00/day

Service charge for unloading of every bañera, tiklis, or styro of fish and other marine products - minimum of P 20.00/banyera and P 1.00 additional fee per kg in excess of 40 kgs or whichever is higher.

#### Section 42. Gratuitous Permit

The Municipal Government may issue gratuitous permits to municipal fisherfolk to exploit, occupy, produce, culture, capture, or gather fish of any species and other fisheries products in the municipal waters: *Provided*, That government agency or institution of learning may also be given gratuitous permit 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.

#### Section 43. Report of Transfer of Ownership of Boats and Fishing Gears

The owner/operator of registered boats and fishing gears shall notify the Municipal Government of the transfer of ownership of the boats and fishing gears within fifteen 15 days after its transfer supported by a certificate of transfer or change of ownership from the owner certified by the barangay.

#### Section 44. Bond for Aquaculture Operation

Those who wish to construct and operate any aquaculture facilities for commercial purposes shall deposit a bond to the municipal government. The bond shall be thirty (30) percent of the amount of fees for the construction and operation of the aquaculture facility.

#### Section 45. Duties of Licensee, Permit, and Exclusive Fishery Privileges Holders

All licenses, permits, and exclusive fishery privilege holders shall be governed by existing laws, orders, rules and regulations governing coastal and fisheries resources and shall:

- 45.1 Take precaution 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;
- 45.2 Assume responsibility for the use of fishing boat and any or all acts of his/her agents, employees or laborers, including those of contractors connected with his/her fishing operations, or in the establishment, management, or operation of the contract or 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;
- 45.3 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;
- 45.4 Allow or render assistance to any law enforcer for purpose of inspection, searching and examining any person, document, records and places of operations including storage areas, auxiliary boats or goods aboard the boat;
- 45.5 Vacate the area covered by the fishery privilege, upon expiration or as directed by authorized municipal officials, unless renewed or cancelled;
- 45.6 Clear, remove, destroy or demolish any debris, material, structure or gear, or the vacated area placed or constructed on the site of the fishery privilege upon expiration or cancellation of the privilege.
- 45.7 Abide all other related rules and regulations that will be legislated after the enactment of this ordinance.

#### Section 46. Collected Fishery Fees to Accrue to General Fund

Collected fishery fees shall accrue to the General Fund to be expended as follows: 40% for the barangay share, 60% for the municipal share intended for FARMC operation, Deputy Fish Warden/Bantay Dagat Incentives and Patrol Operation; and for Fisheries Programs and Projects of the Municipality. *Provided*, That the Municipal Government, within 60 days from the enactment of this ordinance, shall formulate implementing rules and regulations of this section.

#### Section 47. Collection of Fishery Fees

The municipal government shall deputize Barangay Treasurers to collect fishery fees except for the collection of fees from auxiliary invoices. *Provided*, That the Municipal Government, within 60 days from the enactment of this ordinance, shall formulate implementing rules and regulations of this section.

### Article VIII

#### Post-harvest Facilities, Activities and Trades

#### Section 48. Establishment of Post-Harvest Facilities

The municipal government shall coordinate with the private sector and other concerned agencies and FARMC 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 establishment to serve primarily the needs of the municipal fisherfolk.



#### Section 49. Municipal Fish Port Construction and Development

Municipal fish port development should be sited and designed 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 designed 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 control.

#### Section 50. 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 the sufficiency of supply, spawners, breeders, eggs and fry of bangus, prawn and other endemic species, as may be determined by the Department, shall not be exported or caused to be exported by any person: *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 51. Auxiliary Invoice

All fish and fisheries products, except those caught in violation of the provisions of this ordinance or are declared as health hazards by concerned institutions, must have an auxiliary invoice to be issued by the MAO prior to their transport from the point of origin to their point of destination in the Philippines and/or export purposes upon payment of the prescribed fee to defray administrative costs therefor.

Note: bus companies are required to check for auxiliary invoice before transporting products

- provide sanctions on violating bus operators/companies
- 3<sup>rd</sup> offense of bus operator: marevoke an mayor's permit

Fish and Fishery Products	Auxiliary Fee
Bangus fries	P 0.03 per pc
Bangus fingerlings	P 0.08 per pc
Adductor muscles ( <i>tinga</i> )	P 6.50 per kg
Siganid fries	P 0.30 per pc
Prawn Fries	P 0.05 per pc
Prawn Fingerlings	P 0.10 per pc
Marketable juvenile crablets inclusive of sizes from 10 centavos size to below 250 gram size and	P 0.10 per pc
Mangrove Crab inclusive of marketable sizes from 250 grams and above	P 4.00 per kg
Blue Crab	P 1.50 per kg

Dried sea cucumber ( <i>Balat</i> )	
If prevailing wholesale price is	
P 300.00 and below	P 4.00 per kg
P 301.00 – P 600.00	P 9.00 per kg
P 601.00 – P 900.00	P 15.00 per kg
P 901.00 – P 1,200.00	P 21.00 per kg
P 1,201.00 and above	P 24.00 per kg
Fresh seaweeds	P 0.30 per kg
Dried seaweeds	P 0.90 per kg
Cuttle Fish ( <i>Kulambutan</i> )	P 2.40 per kg
Live lobster ( <i>Banagan</i> )	P 10.00 per kg
Chilled prawn	P 8.00 per kg
Octopus	P 2.50 per kg
Live abalone ( <i>Lapas</i> )	P 4.30 per kg
Fresh Bangus	P 2.20 per kg
Preserved Fish (iced/frozen/smoked/salted/dried)	P 1.00 per kg
Lumban (shell)/Taktakon/Bulalo	P 1.00 per kg
Shell craft	
Small box	P 12.00 per box
Medium box	P 20.00 per box
Large box	P 30.00 per box
Crab Meat	P 8.00 per kg
Chilled Lobster	
If existing wholesale price is	
P 300.00 and below	P 6.00 per kg
P 301.00 – P 450.00	P 7.50 per kg
P 451.00 – P 600.00	P 10.50 per kg
P 601.00 and above	P 12.00 per kg
Kupahpa	P 12.00 per kg
Shrimp	P 3.50 per kg
Lapu-lapu fry	P 0.05 per pc
Lapu-lapu fingerling	P 0.15 per pc
Trevally fry and fingerling	P 0.15 per pc
Red snapper fingerling	P 0.15 per pc
All other unclassified marine products	P 10.00 per kg

Failure of any person to secure an Auxiliary Invoice for the transport of fish and fishery products entering and exiting the municipality, shall render such person liable for payment amounting or double the value of the auxiliary invoice, but in no case shall it be lower than P2,500.00.

Tampering of auxiliary invoice shall be penalized by paying a fine of 4 times the amount of the auxiliary invoice.

#### Section 52. Support to Municipal Fisherfolk

The municipal government, in coordination with other agencies and institutions concerned, shall provide support to municipal fisherfolk 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.

### Article IX

#### Creation of CRM Section under the Municipal Agriculture Office

##### Section 53. Creation of CRM Section under the Municipal Agriculture 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 54. Functions, Duties and Powers of the CRM Section

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

- 54.1 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 provisions adequate facilities relative to environment and natural resources, particularly on coastal resources management and fisheries services.
- 54.2 Develop plans and strategies upon the approval thereof by the Municipal Mayor and the Sangguniang Bayan, as the case may be, implement the same, particularly those which have to do with coastal resources management and fisheries programs and project which the Municipal Mayor is empowered to implement and which the Sangguniang Bayan is empowered to provide.
- 54.3 Ensure the maximum assistance and access to resources in the sustainable management and use of the environment and natural resources, particularly on coastal and fisheries resources;
- 54.4 Enforce rules and regulations relating to environment and natural resources, particularly on coastal resources and fisheries management in coordination with other involved agencies;
- 54.5 Coordinate with government agencies and non-governmental organizations which promote sustainable management of the environment and natural resources, particularly on coastal and fisheries resources
- 54.6 Be in the 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;
- 54.7 Recommend to the Sangguniang Bayan and advise the municipal mayor, as the case may be, on all other matters related environment and natural resources, particularly

on coastal and fisheries resources, which will improve the livelihood and living conditions of the inhabitants.

54.8 Exercise such other powers and performs such other duties and functions as may be prescribed by law and ordinance.

#### Section 55. 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 a first grade civil service eligible or its equivalent. The CRM Officer must have acquired experience in coastal resource management of at least two years (2) years.

### Article X

#### Fisheries and Aquatic Resources Management Council (FARMC)

##### Section 56. Creation of Municipal FARMC

Pursuant to Section 69 of the Philippine Fisheries Code of 1998, municipal FARMC shall be established in this municipality. The municipal government shall provide assistance to the Municipal FARMC.

##### Section 57. Composition of Municipal FARMC

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

- 57.1 Municipal Planning and Development Officer;
- 57.2 Chairperson of the Sangguniang Bayan Committee on Agriculture/Fisheries;
- 57.3 Representative of the Municipal Development Council;
- 57.4 Representative from the accredited non-governmental organizations;
- 57.5 Representative from the private sector;
- 57.6 Representative from the Department of Agriculture; and
- 57.7 At least eleven (11) fisherfolk' representatives [seven (7) municipal fisherfolk, one (1) fishworker and three (3) commercial fisherfolk] in each municipality which include representative from youth and women sector subject to selection criteria for regular members of MFARMC cited in FAO 196, Section 11.

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

Selection criteria for regular members of MFARMC) are as follows:

- A. Fisherfolk/fishworker members: the fisherfolk and fishworker members shall include the youth and women sector. They shall belong to a fisherfolk organization/cooperative/association duly accredited by the LGU. They must carry an endorsement from their respective organizations, cooperatives/associations that they are duly designated representative to the FARMC; residence of the barangay/municipality for at least 1 year engaged in fishing or fish culture/processing as their main source of livelihood; and with good moral character and reputation in the community.

- B. Representative from the youth and women sector must come from fisherfolk youth and women organization duly accredited by the LGU
- C. For representatives from NGOs and the private sector they shall be endorsed and recommended by fisherfolk organizations based on their involvement, expertise in fisheries and track record in helping municipal fisherfolk and in protecting the fisheries and aquatic resources.

#### Section 58. Powers and Functions of the Municipal FARMC

The Municipal FARMC shall have the following powers and functions:

- 58.1 To assist in the preparation of the municipal fishery development plan and submit such plan to the Municipal Development Council;
- 58.2 To recommend the enactment of Municipal Fishery Ordinance to the Sangguniang Bayan through its Committee on Agriculture and Fisheries;
- 58.3 To assist in the enforcement of fishery laws, rules and regulations in municipal waters;
- 58.4 To advise the Sangguniang Bayan on fishery matters through its Committee on Agriculture and Fisheries in such as been organized;
- 58.5 To assist the municipal government in the implementation of programs and projects on coastal and fisheries resources management;
- 58.6 To assist the municipal government in the monitoring and evaluation coastal and fisheries resources management programs;
- 58.7 To advise the municipal government in the arbitration of disputes over fishery rights and sharing contracts;
- 58.8 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;
- 58.9 To coordinate with law enforcement agencies in the enforcement of fishery and environmental laws, ordinances, rules and regulations;
- 58.10 To assist the municipal government in the promotion of comprehensive rehabilitation and conservation of municipal fishing grounds and coastal and fishery resources;
- 58.11 To assist the municipal government in the promotion of ancillary economic activities, including cooperative marketing and socio-economic services;
- 58.12 To maintain an updated registry of municipal fisherfolk; and
- 58.13 To perform such other functions the Municipal Mayor, the Municipal Development Council and the Sangguniang Bayan may delegate, as provided by ordinance or resolution.

#### Section 59. Assistance to the Fisheries and Aquatic Resources Management Council (MFARMC)

In recognition of its vital role in the protection, management, and development of the fisheries and aquatic resources, the necessary funds for the operation of the MFARMC to meet its administrative requirements shall be appropriated through Sangguniang Bayan and allocated annually by the Municipal Mayor and the Sangguniang Bayan from the General Fund to be managed by the Municipal Agriculture Office depending on the programs and activities of MFARMC. All the Sangguniang Barangay concerned shall likewise allocate annually the necessary funds for the operation of their respective Barangay FARMCs, but in no case shall it be less than 2% of their respective annual IRA.

#### Article XI Administrative Remedies and Sanctions

### Section 60. Sanctions Independent of Criminal Penalties.

All relevant national laws, orders, rules and regulations shall be implemented in this municipality. In relation to the prohibited acts and penalties provided for in the preceding section, the following administrative remedies and sanctions are hereby adopted.

### Section 61. For Encroachment of Commercial Fishing Vessel Within the Municipal Waters.

Any operator of licensed commercial fishing vessel(CFV)/gear operator whose vessel is caught while attempting to fish, in the act of fishing or has just finished fishing within the municipal waters of this Municipality, shall be subjected to administrative sanctions, as follows;

- 61.1 Without prejudice to criminal prosecution, the Commercial Fishing Vessel /Gear License operator shall be required to pay an administrative fine equivalent to twice (2) the value of catch as quantified by the Municipal Agriculturist or an amount of P2,500.00 whichever is higher;
- 61.2 The CFV/GL operator shall be required to pay storage fee for the maintenance and upkeep of the CFV in the amount of P500.00 daily while the administrative proceedings is going on;
- 61.3 The fish catch, prohibited gears/substances and/or unlicensed gears shall be confiscated; and
- 61.4 The name of the offender and the nature of his offense shall be entered in the Police Blotter and Coastal Law Enforcement (CLE) Logbook of the Offender.

Any licensed commercial fishing vessel captain and three (3) other highest officer of the boat who commit any of the prohibited acts upon conviction shall be punished by a fine equivalent to two (2) times the value of the catch or fine of Two thousand five hundred (P2,500.00) pesos whichever is higher and confiscation of catch and fishing gears in favor of the Municipality.

The boat captain and three (3) other highest officer of commercial fishing vessel without license or expired license who violated any of the prohibited acts upon conviction shall be punished by fine equivalent to five (5) times the value of the catch and confiscation of catch and fishing vessel and gear in favor of the Municipality.

### Section 62. Prohibited Activities

It shall be unlawful for any person, entities, organizations or corporations to engage in any prohibited activities listed in this ordinance as well as any of the following activities:

- 62.1 For unauthorized fishing or engaging in other unauthorized fishery activities.
- 62.2 Use of any Active Gear
- 62.3 Any Serious Violation activity defined in this ordinance
- 62.4 Any Illegal Fishing activity defined in this ordinance
- 62.5 Use of any Destructive Fishing gear
- 62.6 Use of Fine Mesh Nets
- 62.7 Fishing within the "core zone" of the fish sanctuaries and fishing during "closed season".
- 62.8 Use of Superlight
- 62.9 Use of Sudsud :
  - 62.9.1 in catching other than "langaw-langaw";

62.9.2 in beach, sea grass, opening of river, and outside the river. *(note: markers will be placed on the boundaries where sudsud is not allowed).*

62.9.3 during the period other than the periods between the month of June to January as provided for under Section 20 of this Code.

- 62.10 Use of Baling
- 62.11 Obstruction to Law Enforcement Officer
- 62.12 Obstruction to Fisheries Observer
- 62.13 Use of balbal/tumbok
- 62.14 Obstruction to navigation
- 62.15 Obstruction to defined migration paths – it shall be unlawful for any person to obstruct any defined migration path of anadromous and catadromous species. Penalty – upon a summary finding of administrative liability the offender shall be punished with an administrative fine of P 150,000.00, dismantling of the obstruction at the expense of the offender, and the suspension or revocation of the permit or license. Upon conviction by a court of law, the offender shall be punished with imprisonment of 7 years to 12 years and fine of twice the amount of administrative fine, dismantling of the obstruction at the expense of the offender and the suspension or revocation of the permit or license. (Reference: RA 10654 Section 114)
- 62.16 Use of sign
- 62.17 Catching of aquarium fishes
- 62.18 Use of Taiwanese bubo
- 62.19 Use of derris plants (tuba, tubli, bayhati, buton, tigaw, and other plants which contain rotenone)
- 62.20 Use of air compressor
- 62.21 Use of sarap
- 62.22 Use of dynamite in fishing
- 62.23 Electrofishing
- 62.24 Use of cyanide and other poisonous chemical substances
- 62.25 Use of sinsoro
- 62.26 Use of “Biakus/Dyakos” and “Duyan-duyan”
- 62.27 Fraudulent practices
- 62.28 Lights that altered the color of the fish
- 62.29 Chemical to retain the stiffness of the fish
- 62.30 Selling mixed unsold iced fish and new fresh fish
- 62.31 Catching of endangered species
- 62.32 Aquatic pollution – Aquatic pollution, as defined in this ordinance shall be unlawful and shall be penalized (including release of not neutralized fish pond water)
- 62.33 Catching of sabalo/breeder bangus and other breeders/spawners
- 62.34 Conversion of mangroves – converting mangroves into fish ponds or any purposes shall be penalized
- 62.35 Fishing in fishery refuge and sanctuary
- 62.36 Collecting, gathering, exploiting and exporting corals
- 62.37 Possessing, Dealing in or Disposing Illegally Caught or Taken Fish
- 62.38 Collection of sargassum and seagrasses
- 62.39 Violation of harvest control rules
- 62.40 Violation of Fishing Ban or Closure
- 62.41 Construction of Fish Pens, Cages and Traps in Prohibited Area
- 62.42 Failure to carry license during fishing
- 62.43 Catching, transporting, and selling of breeder crabs
- 62.44 Failure to secure auxiliary invoice from the Municipal Government when transporting fish and fishery products
- 62.45 Bus operators and other transport providers allowing transport of fish and fishery products without auxiliary invoice

- 62.46 Transport of mangrove crablets (langaw-langaw) below the allowed size which is 10 centavo size or 1.7 centimeters

Section 63. Offense for Fisherfolk

First Offense

63.1 In lieu of prosecution, the offender shall be required to pay an administrative fine equivalent to twice (2) the value of catch as quantified by the Municipal Agriculturist or the amount of two thousand five hundred Pesos (P2,500.00)/person or whichever is higher; or Provided, That if the municipal fisherfolk fails to pay the fine, he shall render community service.

63.2 The fish catch shall be confiscated and disposed of in favor of the Municipality and the proceeds of such disposal shall accrue to the General Fund of the Municipality. Provided, however, that should the subject fish or fishery products be found harmful for human consumption, the same shall be condemned.

63.3 The fishing gears/paraphernalia used in violation of this Section shall be confiscated, forfeited and disposed of in favor of the Municipality and the proceeds shall accrue to the General Fund of the Municipality: *Provided, however, That* should the fishing gears or paraphernalia are, in the course of administrative investigation, found belonging to another person or persons, in which case, release of same may be allowed only after paying separate fines, as follows:

- 63.3.1 P2, 500.00 for every fishing motorized/pump boat of three (3) gross tons of weight or below  
 63.3.2 P1,000.00 for every non-motorized boat  
 63.3.3 P1,000.00 fishing net exceeding 550 meters in length  
 63.3.4 P500.00 fishing net less than 550 meters in length  
 63.3.5 P500.00 for wire/nylon or bamboo fish traps or hook and line  
 63.3.6 P500.00 for lamp, spear, bow and arrow

63.4 The name of the offender and the nature of his offense shall be entered in the Police Blotter and Coastal Law Enforcement (CLE) Logbook of Offenders; and

63.5 The violator shall be required to execute a written undertaking to comply with the existing laws and regulations of the Municipality.

Second and Third Offense

63.6 Administrative Fine of P2,500.00 in addition to sanctions and conditions imposed for the first offense; However, it is without the privilege or option of community service.

63.7 For the third offense, the offender shall be criminally prosecuted under this Ordinance or existing national laws.

63.8 In the event that the sanctions imposed in this Section are not obeyed by the offender or any other person who may be bound by the decision of the MAB and MBA, the Local PNP shall initiate the filing of appropriate criminal cases.

Section 64. Offense for Violating Bus Operators and other Transport Providers

First Offense



- 64.1 In lieu of prosecution, the offender shall be required to pay an administrative fine equivalent to twice (2) the value of the confiscated fish and/or fishery product as quantified by the Municipal Agriculturist or the amount of two thousand five hundred Pesos (P2,500.00)/person or whichever is higher;
- 64.2 The fish and/or fishery product shall be confiscated and disposed of in favor of the Municipality and the proceeds of such disposal shall accrue to the General Fund of the Municipality. Provided, however, that should the subject fish and/or fishery product or fishery products be found harmful for human consumption, the same shall be condemned.
- 64.3 The name of the offender and the nature of his offense shall be entered in the Police Blotter and Coastal Law Enforcement (CLE) Logbook of Offenders; and
- 64.4 The violator shall be required to execute a written undertaking to comply with the existing laws and regulations of the Municipality.

#### Second and Third Offense

- 64.5 Administrative Fine of P2,500.00 in addition to sanctions and conditions imposed for the first offense;
- 64.6 For the third offense, the Mayor's Permit of the bus operator and other transport providers shall be revoked.
- 64.7 In the event that the sanctions imposed in this Section are not obeyed by the offender or any other person who may be bound by the decision of the MAB and MBA, the Local PNP shall initiate the filing of appropriate criminal cases.

#### Section 65. Authority to Compromise Sanctions for Administrative Offense.

The Municipal Agriculturist, subject to approval of the Municipal Mayor, is hereby authorized to enter into a Compromise Settlement with the Offender within the range of administrative fines.

#### Section 66. Storage of Confiscated Boats and Fishing Gears.

The Municipal Mayor, upon recommendation of the Municipal Agriculturist, shall identify and determine the area suited as storage of confiscated boats or fishing gears pending investigation or prosecution of any offense. For this purpose, the owner of fishing boat or fishing gears seized or confiscated for violation of this Ordinance shall be required to pay a storage fee as follows:

- |  |                   |
|--|-------------------|
| 66.1 Motorized Fishing boat under 3 gross tons (16 HP above) | - P200.00 per day |
| 66.2 Motorized Fishing boat under 3 gross tons (below 16 HP) | - P100.00 per day |
| 66.3 Non-motorized fishing boat                              | - P50.00 per day  |
| 66.4 Other fishing gear                                      | - P10.00 per day  |

#### Section 67. Disposition of Fines and Proceeds from Auction of Confiscated Catch, Fishing Vessels, Fishing Gears and Paraphernalia

The confiscated fish catch, fishing vessels, fishing gears and fishing paraphernalia shall be disposed off through public auction and the proceeds of which shall accrue as follows: 25% for the municipality which shall be remitted to the General Fund pursuant to Section 46 of this ordinance; 25% for the barangay where the apprehension was effected; and, 50% for the apprehending team. However, the confiscated fish catch, after being duly recorded by the Office of the Municipal Agriculturist, may also be distributed to charitable institutions, government hospitals and penal institutions for the consumption of their patients and inmates.

All fines imposed by the Municipal Government under this ordinance shall be paid at the Office of the Municipal Treasurer and shall accrue in the same manner as aforesated.

## Article XII Grievance Mechanism

### Section 68. Grievance Body

There is hereby established a Grievance Body in municipality of Gubat to settle disputes between and among fisherfolk and their organizations with regards to the interpretation, application or compliance of the rules and regulations set in this ordinance, specifically on registration and licensing, catch monitoring and reporting, and involvement in coastal and fishery law enforcement. The GMAAS Management Board may adopt locally appropriate term to identify such body. For this purpose, the Grievance Committee shall be composed of the Chairman of MFARMC, as Chairperson, and 1 member of BFARMC of every coastal barangay. The Secretary of the MFARMC shall act as the Secretary of the Grievance Committee.

### Section 69. Disputes for Settlement

Except for the violation of RA 8550, as amended by RA 10654, and existing environmental laws, the GMAAS Management Board in close coordination with the AT - Fisheries and after consultation with the LGU and MFARMC, shall come up with a list of particular disputes falling under the authority of the Grievance Committee.

### Section 70. Grievance Procedure

Without prejudice to the guidelines on grievance handling that the GMAAS Management Board may hereafter promulgate, the following procedure shall be observed:

- (a) A written or verbal complaint or grievance may be filed or brought to the attention of the Chair of the Grievance Committee;
- (b) The Chair shall record the complaint or grievance in chronological order taking note of the nature and cause of the grievance and the person against whom it is filed;
- (c) If the Chair so decides to conciliate the parties, he/she may issue a written or verbal invitation to the complainant and respondent for conciliation meeting; otherwise, the Chair constitutes a panel of 3 from among his members to conduct the conciliation proceedings. If no settlement is reached, the panel shall inform the Chair and the latter convene the Grievance Committee en banc to undertake the conciliation meeting;
- (d) If settlement is reached the amicable settlement shall be put into writing stating therein the dispute and the terms of settlement; however, if in their amicable settlement the parties agreed that one or both/all of them shall do or cause to be done something then the agreement must state it in writing and specify the person responsible and the time frame to do it;
- (e) However, even after exhausting all avenues no settlement is reached, the Grievance Committee shall issue a certification of no settlement and refer the dispute for adjudication to the Municipal Adjudication Board.

### Section 71. Capacity Building

For this purpose, the AT - Fisheries in coordination with the concerned Committee under the GMAAS Management Board, shall conduct seminars, workshops and other

capacity building activities to enhance the capacity the members of the Grievance Committee in the discharge of their duties and responsibilities.

### ARTICLE XIII

#### Municipal Adjudication Board (MAB) and Municipal Board of Appeals (MBA)

##### Section 72. Creation of the Municipal Adjudication Board (MAB)

There is hereby created a Municipal Adjudication Board (MAB) composed of the following:

Chairman :	Municipal Agriculturist
Vice Chairman:	Municipal Environment and Natural Resources Officer
Members :	Municipal Planning and Development Officer
	MFARMC Chairman
	Priest/Pastor
Secretariat :	AT - Fisheries

For this purpose, the Municipal Mayor shall issue an Executive Order to constitute the MAB and the appointments of its officers and members who shall sign/accept it in the same document. They shall commence discharging their powers and functions after taking their oath of office.

The term of office of the MAB shall be for three (3) years inclusive of the term of the Mayor: *Provided, however*, after the expiration of the term of the Mayor the MAB shall continue to discharge their duties until after new appointments are issued by the appointing authority. Any vacancy that may occur shall be filled up by appointment for the unexpired term only.

##### Section 73. Powers and functions of MAB

The MAB is hereby vested with the primary and original authority to hear and decide unsettled grievances referred to it by the Grievance Committee. It shall also exercise jurisdiction for adjudication of offenses in violation of this Ordinance and other existing fishery ordinances whereby the offender was apprehended and expressed willingness to admit his offense and pay the corresponding fine. *Provided*, That if the offender fails to pay the fine he shall render community service and attend fisheries class. The MAB may, upon proper complaint or recommendation from Gubat Managed Access Areas Management Board, impose upon habitual offenders the penalty of suspension or revocation of license to fish or permit to operate fishpen, fish cage, fish corrals or seaweeds farm and/or the denial of their application for renewal therefor. The resolution of the MAB shall become final and executory after the lapse of fifteen (15) days from receipt thereof and no appeal is taken to the Municipal Board of Appeals (MBA) as provided in the succeeding sections.

##### Section 74. Adjudication procedure

Within six (6) month from the effectivity of this ordinance the Municipal Adjudication Board (MAB) shall promulgate Rules of Procedure of the Municipal Adjudication Board.

74.1 For Unsettled Grievances:

- 74.1.1 The AT - Fisheries shall act as the Secretariat of the MAB, which shall be responsible in the recording of unsettled grievances referred to it by the Grievance Committees. Thereupon, the AT-Fisheries shall evaluate the facts and circumstances of the grievance whether or not there is a need to bring the matter to the MAB. If in his/her capacity the grievance can be settled without resorting to administrative adjudication he may proceed to take appropriate action thereon: *Provided*, That he renders report to the Chairman of the MAB;
- 74.1.2 Should the AT - Fisheries decide to refer the grievance to the MAB for adjudication, he/she shall require the complainant to submit an affidavit-complaint containing the facts and circumstance showing the violation of the respondent and attaching therein the supporting documents or affidavits of witnesses. Within fifteen (15) days from receipt of the affidavit, the AT - Fisheries shall issue summons to the respondent directing the latter to file his counter-affidavit or answer to complaint and informing him that he has the right to defend by himself or with the assistance of counsel;
- 74.1.3 As soon as the issues are joined, the AT - Fisheries shall notify the Chairman of the readiness of the grievance for adjudication: *Provided*, In the event respondent fails to file his counter-affidavit or answer and his/her failure is unjustified the proceedings shall continue for as long as he/she has been duly notified;
- 74.1.4 Within fifteen (15) days from receipt thereof, the Chairman shall convene the MAB on a particular date and time at the SB Session Hall for hearing of the complaint or grievance;
- 74.1.5 In the adjudication process, the AT - Fisheries shall read the complaint in a language or dialect known to and understood by the respondent and thereafter the Chairman shall ask the respondent of his plea whether he admits the fault or not. If respondent admits the fault then the MAB shall determine the appropriate sanction; if not, the hearing shall proceed;
- 74.1.6 In the conduct of the proceedings, the AT - Fisheries shall not be bound by the technical rules of procedure and evidence as prescribed in the Rules of Court, but shall proceed to hear and decide all grievances and administrative cases in a most expeditious manner, employing all reasonable means to ascertain the facts of every case in accordance with justice and equity;
- 74.1.7 In the interest of due process, all parties must be afforded ample opportunity to be heard and present his case or defense before a decision is rendered;
- 74.1.8 In its decision, the MAB may either: (a) dismiss the grievance for lack of merit; (b) reprimand or require the respondent to perform an act or desist from doing or delivering something; and (c) impose administrative sanctions such as payment of fines or community service for failure to pay fine;
- 74.1.9 The decision shall be served to the parties and become final and executory after the lapse of fifteen (15) days from receipt thereof and no appeal was taken within such period.
- 74.1.10
- 74.1.11 Appeal of the Decision to the MBA shall be done in the form of notice of appeal duly filed with the AT - Fisheries within such reglementary period.

74.2 For Violations of the Provisions of the Ordinance:

- 74.2.1 Except for serious violations of the provisions of RA 8550, as amended by RA 10654, and other environmental laws, this rule shall apply only in cases of apprehension for violation of the provisions of this ordinance and other

- fishery ordinances of Gubat and the offender expresses the willingness to admit his offense and pay the corresponding fines;
- 74.2.2 Upon notice of such apprehension and intent of the offender, the Head of the AT - Fisheries being the lead implementing officer of this ordinance and with the assistance of the Police Investigators from Gubat MPS, undertake the documentation of the case and henceforth notify the Chairman of the readiness of the case for adjudication;
- 74.2.3 Within five (5) days from receipt thereof, the Chairman shall convene the MAB on a particular date and time at the SB Session Hall for hearing of the complaint.
- 74.2.4 In the adjudication process, the AT - Fisheries shall read the complaint in a language or dialect known to or understood by the respondent and thereafter the Chairman shall ask the respondent whether he admits his guilt or not; If he admits his guilt, then the MAB shall relieve to hear the case further and decide at once the appropriate penalty for the offense committed;
- 74.2.5 The decision shall be in writing and furnished to the respondent, which shall serve as basis in the payment of fine at the Office of the Municipal Treasurer. Upon full payment of the fine the respondent shall submit his proof of payment to the MAB and the same shall serve as basis in declaring the case as terminated; and
- 74.2.6 The decision of the MAB shall not constitute a bar from prosecuting the offender should there be any serious offense committed thereby as a consequence of the acts or omissions he/she pleaded guilty thereof.

#### Section 75. Municipal Board of Appeals

To ensure the rights of the respondents are fully safeguarded, there shall be created a Municipal Board of Appeals (MBA) through an Ordinance. The MBA shall be composed of the following:

- Chair : Municipal Mayor  
 Vice Chair : Municipal Local Government Operations Officer  
 Members : SB Chairman, Committee on Agriculture & Fisheries  
                   MFARMC Chairman  
                   NGO Representative  
 Secretariat : AT - Fisheries

#### Section 76. Powers and functions of MBA

The MBA shall have the exclusive appellate authority to review and decide appealed cases decided by the MAB, to determine whether or not the decision is in accord with law and evidence on record and within its delegated authority. It may affirm in its entirety, modify or reverse it. Although no hearings shall be required but the MBA thru the Chairman may require submission of position papers before decision is rendered. The decision shall be in writing and furnished to the parties and it shall be final and immediately executory. No further appeal shall be entertained or allowed.

#### Section 77. Capacity building

For this purpose, the Municipal Adjudication Board (MAB) and Municipal Board of Appeals (MBA) in partnership with NGAs and NGOs shall conduct seminars, workshops and other capacity building activities for the members of the MAB and MBA in the discharge of their duties and responsibilities.

**Section 78. Persons and Deputies Authorized to Enforce this Ordinance**

The Municipal Mayor, Municipal Agriculturist, Municipal Environment and Natural Resources Officer, CRM Officer, Municipal Planning and Development Coordinator, Municipal Treasurer, Municipal Local Government Operations Officer, Philippine National Police, Municipal FARMC, Barangay Officials and Deputized fish wardens shall take lead in the implementation of this ordinance.

**Section 79. Creation of Municipal Fishery Law Enforcement Task Force or Bantay Dagat.**

In order to enhance the enforcement of fishery laws and regulations and to ensure that the whole length and breadth of the municipal waters is effectively protected, the municipal government is hereby committed to the creation of a Municipal Fishery Law Enforcement Task Force or Bantay Dagat to be composed of persons who shall be authorized to enforce this Municipal Fishery Ordinance in the territorial jurisdiction of the municipality bordering the municipal waters.

**Section 80. Mandatory Review**

The Sangguniang Bayan shall undertake the mandatory review of this ordinance at least once every 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.

**Section 81. Accompanying Administrative Sanctions for Serious Violations**

The MAB may impose the following additional sanctions to the administrative penalties imposed for serious violations:

- 80.1 Confiscation of fishing gear;
- 80.2 Impoundment of fishing vessel;
- 80.3 Temporary suspension or permanent revocation of license or permit;
- 80.4 Temporary or permanent ban from the availment of applicable duty and tax rebates;
- 80.5 Inclusion in the IUU fishing vessel list;
- 80.6 Denial of entry and other port services;
- 80.7 Blacklisting; and
- 80.8 Increase in the amount of fines but not to exceed five (5) times the value of the catch.

In case of repeated violations within a five-year period, the amount of fine may be increased up to eight (8) times the value of the catch.

During the pendency of the administrative or the criminal case, the Municipality may impound the vessel/conveyance, gear and other paraphernalia used in the commission of the offense.

In applying these accompanying sanctions, the Municipality shall take into account the seriousness of the violation as defined in Article I Section 4 of this Ordinance, the habitual or repetition of violation, manner of commission of the offense, severity of the impact on the fishery resources and habitat, socioeconomic impact, cases of concealment or destruction of evidence, eluding arrest, resisting lawful orders, and other analogous circumstances.

The overall level of sanctions and accompanying sanctions shall be calculated in a manner that is proportionate, effective and dissuasive to deprive the offender of the economic benefits derived from the serious violation.

**Section 82. Lien Upon Personal and Immovable Properties of Violators**

Fines and penalties imposed pursuant to this ordinance shall constitute a lien upon the personal and immovable properties of the violator.

### Section 83. Community Service

In case the offender is a municipal fisherfolk or has no property over which the Municipal Government may impose the fines and penalties prescribed for the offense, community service may be rendered in lieu of the fine. The Municipal Government shall promulgate the rules and regulations for this purpose, taking into account that the service should be rendered in accordance with 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.

### Section 84. Citizen's Suits

For the purposes of enforcing the provisions of this Ordinance and its implementing rules and regulations, any citizen may file an appropriate civil, criminal or administrative action in the proper courts/bodies against:

- 84.1 Any person who violates or fails to comply with the provisions of this Ordinance, and its implementing rules and regulations;
- 84.2 The Municipal Government or other implementing agencies with respect to orders, rules and regulations issued inconsistent with this Ordinance; and
- 84.3 Any public officer who willfully or grossly neglects the performance of a duty specifically enjoined by this Ordinance and its implementing rules and regulations; or abuses authority in the performance of duty; or, in any manner improperly performs duties under this Ordinance and its implementing rules and regulations: Provided, however, That no suit can be filed until after fifteen (15) days' notice has been given the public officer and the alleged offender and no appropriate action has been taken thereon.

### Section. 85. Strategic Lawsuit Against Public Participation (SLAPP) in the Enforcement of this Ordinance

A legal action filed to harass, vex, exert undue pressure, or stifle any legal recourse that any person, institution, or the government has taken or may take in the enforcement of this Ordinance shall be treated as a Strategic Lawsuit Against Public Participation (SLAPP).

The hearing on the defense of a SLAPP shall be summary in nature, the affirmative defense of a SLAPP shall be resolved within thirty (30) days after the summary hearing. If the court dismisses the action, the court may award damages, attorney's fees, and costs of suit under a counterclaim if such has been filed. The dismissal shall be with prejudice.

If the court rejects the defense of a SLAPP, the evidence adduced during the summary hearing shall be treated as evidence of the parties on the merits of the case. The action shall proceed in accordance with the Rules of Court.

The Rules of Procedure for Environmental Cases shall govern the procedure in civil, criminal, and special civil actions involving the enforcement or violations of this Ordinance including actions treated as a SLAPP as provided in this section.

## Article XIV Final Provisions

### Section 86. Appropriation

The sum necessary to effectively carry out the provisions of this ordinance during the first year of its implementation shall be allocated from the budget of the Municipal

Agriculture Office. The budget for subsequent years shall not be less than the amount of the preceding year's appropriation.

**Section 87. Repealing Clause**

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

**Section 88. Separability Clause**

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

**Section 89. Effectivity Clause**

This ordinance shall take effect after its posting in at least two (2) conspicuous places in the municipality and its publication for at least three (3) consecutive times in a local newspaper of general circulation in the Province of Sorsogon.

ENACTED AND APPROVED UNANIMOUSLY.

I HEREBY CERTIFY TO THE  
CORRECTNESS OF THE FOREGOING:

  
JOEY P. ENAJE  
Secretary to the Sangguniang Bayan

Attested by:

  
HON. SIXTO E. ESTAREJA  
Municipal Vice Mayor, Presiding Officer

Approved by:

  
HON. SHARON ROSE G. ESCOTO  
Municipal Mayor