



OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATE OF ATTENDANCE

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY, that the following bearing their respective signature had attended the **Committee Hearing, Committee on Agriculture, Natural Resources and Ecology re: Amendments of Municipal Ordinance No. 04-2006** held at the SB Session Hall, Municipal Building, Matnog, Sorsogon on September 10, 2020 at 9:00 in the morning

Honorable **CARLOS G. ESTRELON, JR**

Absent

Honorable **MERCY G. GATA**

Mercy G. Gata

Honorable **LARRY G. ORO**

Larry G. Oro

Honorable **JOSEPH O. GO**

Joseph O. Go

Honorable **EVELYN S. GARALDE,**

Evelyn S. Garalde

Honorable **RECTO G. DULAY**

Honorable **HARRY G. GARRA**

Honorable **NOLI F. GALERIA**

Noli F. Galeria

Honorable **EMILIO G. UBALDO, III**

Absent

Honorable **SILVESTRE FRANDO**

Silvestre Frando

Honorable **VINCENT GABRIEL Z. ESCANILLA**

Vincent Gabriel Z. Escanilla

~~EMMANUEL E. DE GUZMAN~~

Emmanuel E. De Guzman

ROSEHEL C. LABILLES

Rosehel C. Labilles

HIRACHTH G. DE VERA

HiracHTH G. De Vera

RONILO G. CONDE

Ronilo G. Conde

FRANCISCO P. DOLLISEN

Francisco P. Dollisen

[Signature]



Republic of the Philippines
PROVINCE OF SORSOGON
Sorsogon City

SANGGUNIANG PANLALAWIGAN

March 22, 2007

TRANSMITTAL NO. 074

TRANSMITTED TO : 1. The Honorable Mayor
2. The Sangguniang Bayan
Matnog, Sorsogon

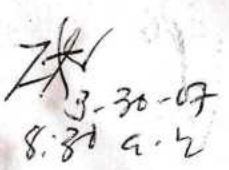
Respectfully transmitted the attached subject for information/ file/ records/
reference purposes.

RESOLUTION NO. 26-2007 - RESOLUTION DECLARING
AS VALID MATNOG MUNICIPAL ORDINANCE NO. 04-2006
ENTITLED: AN ORDINANCE PROVIDING FOR THE MANAGEMENT,
CONSERVATION, DEVELOPMENT, PROTECTION, UTILIZATION
AND DISPOSITION OF ALL FISH AND FISHERY/AQUATIC
RESOURCES WITHIN THE MUNICIPAL WATERS OF MATNOG,
SORSOGON, AND FOR OTHER PURPOSES.

Transmitted by:



WILLIAM H. DELGADO
Sangguniang Panlalawigan Secretary


3-30-07
8:30 a.m.



SANGGUNIANG PANLALAWIGAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN. HELD AT ITS SESSION HALL, SP BUILDING, CAPITOL COMPOUND, SORSOGON CITY, ON FEBRUARY 05, 2007.

PRESENT: Hon. Antonio H. Escudero, Jr., Vice Governor/Presiding Officer

1st District

Hon. Rosario D. Diaz
Hon. Francisco L. Ravanilla
Hon. Arnulfo L. Perete

2nd District

Hon. Joy L. Dellomas-Fundano
Hon. Jocelyn Y. Lelis
Hon. Bernard H. Hao
Hon. Olaf S. Gotladera

Hon. George S. Chew – Provincial President, Liga ng mga Barangay

ABSENT:

Hon. Rebecca de Leon-Aquino
Hon. Everesto L. Relativo
Hon. Arze G. Glipo
Hon. Michael G. Go – Provincial President, Provincial Councilors' League
Hon. Marian G. Guysayko – Provincial President, Sangguniang Kabataan

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RESOLUTION NO. 26-2007

RESOLUTION DECLARING AS VALID MATNOG MUNICIPAL ORDINANCE NO. 04-2006 ENTITLED: AN ORDINANCE PROVIDING FOR THE MANAGEMENT, CONSERVATION, DEVELOPMENT, PROTECTION, UTILIZATION AND DISPOSITION OF ALL FISH AND FISHERY/AQUATIC RESOURCES WITHIN THE MUNICIPAL WATERS OF MATNOG, SORSOGON, AND FOR OTHER PURPOSES.

WHEREAS, submitted for consideration of the Sangguniang Panlalawigan was Matnog Municipal Ordinance No. 04-2006;

WHEREAS, the SP Committee on Agriculture & Fisheries to which the above subject was referred, hereby submits its findings and recommendations, to wit:

FINDINGS:

1. On Section 7. Demarcated Fishery Rights within Established Zones and Corresponding Minimum Annual Rentals:

According to the representatives of the POs present during the hearing, the catching or taking of bangus fry or prawn fry at an area of less than 1,000 square meters or may be qualified as supplemental income only and may not be used as a means of livelihood of the marginal fisherfolk of Matnog. Therefore, the rate in the ordinance seemed to be excessive and beyond the capacity of these marginal fisherfolk to pay. Hence, the Committee with the technical assistance of the representatives of the POs present during the hearing and with the consent of Hon. Barlin, deemed it necessary to amend this section, particularly sub-section no. 2 (Exclusive Fishing Privilege) for catching or taking of bangus fry or prawn fry or "kawag-kawag", wherein all stated fees therein shall now be reduced by 50%.

Section 7 (2) (3) shall read as follows:

"3. For catching or taking bangus fry or prawn fry of "kawag-kawag"	
Less than 1,000 sq. m.	P 250.00
1,000 or more but less than 2,000 sq.m.	400.00
2,000 or more but less than 4,000 sq.m.	750.00
4,000 or more but less than 6,000 sq.m.	1,100.00
6,000 or more but less than 8,000 sq.m.	1,500.00
8,000 sq.m. or more	2,000.00"

Moreover, two sub-sections on annual fees for the operation of lobster culture and another for catching tropical/aquarium fish must be provided under this Section. Hence:

"8. For Operation of lobster culture per 1,000 sq.m.	P500.00
9. For Catching tropical/aquarium fish	
Less than 1,000 sq. m.	P500.00
1,000 or more but less than 2,000 sq.m.	800.00
2,000 or more but less than 4,000 sq.m.	1,500.00

Handwritten signature and date: 3-30-07, 8:29-2

3. On Article V:

Section 8. Mandatory Segregation of Solid Waste, with minor corrections, shall read as follows:

"Section 8. The segregation of solid wastes shall primarily be conducted at the source, to include residential/household, institutional, industrial, commercial, transport sector and agricultural sources. Provided, that wastes shall be segregated into the categories provided in Section 9 of this Ordinance."

4. On Article X

Section 25 shall be amended to read as follows:

"Section 25. Penal Provisions.

A. For Individuals – any person who violates this municipal ordinance shall be punished as follows:

1. First Offense – Community service of eight (8) hours or a fine of Three Hundred Pesos (P300.00)
2. Second Offense – Community service of sixteen (16) hours and/or a fine of Five Hundred Pesos (P500.00)
3. Third Offense – Community service of twenty-four (24) hours and/or a fine of One Thousand Pesos (P1,000.00)

B. For Business Establishment – any store owner or proprietor of any business establishment who violates this Ordinance shall be punished as follows:

1. First Offense – A fine of Five Hundred Pesos (P500.00)
 2. Second Offense – A fine of One Thousand Pesos (P1,000.00)
 3. Third Offense – A fine of One Thousand Five Hundred Pesos (P1,500.00)
- Provided, however, that the direct offender shall be subjected to the penalties as provided under Section 25 (A), penalties for Individuals, of the Ordinance.

C. For Industrial Establishments and Institutions – owner or proprietor of any industrial establishment and head of any institution that violates this Ordinance shall be punished as follows:

1. First Offense – A fine of One Thousand Pesos (P1,000.00)
 2. Second Offense – A fine of One Thousand Five Hundred Pesos (P1,500.00)
 3. Third Offense – A fine of Two Thousand Pesos (P2,000.00)
- Provided, however, that the direct offender shall be subjected to the penalties as provided under Section 25 (A), penalties for Individuals, of the Ordinance.

D. For Public Utility Buses/Vehicles – any driver/conductor of a public utility bus or vehicle who violated this Ordinance shall be punished as follows:

1. First Offense – Community service of eight (8) hours and/or a fine of Five Hundred Pesos (P500.00)
2. Second Offense – Community service of sixteen (16) hours and/or a fine of One Thousand Pesos (P1,000.00)
3. Third Offense – Community service of twenty-four (24) hours and/or a fine of One Thousand Five Hundred Pesos (P1,500.00)

E. For Sea Vessels – any ship captain or any person in-charge of the vessels that violated this Ordinance shall be punished as follows:

1. First Offense – Community service of eight (8) hours and/or a fine of One Thousand Pesos (P1,000.00)
2. Second Offense – Community service of sixteen (16) hours and/or a fine of One Thousand Five Hundred Pesos (P1,500.00)
3. Third Offense – Community service of twenty-four (24) hours and/or a fine of Two Thousand Pesos (P2,000.00)*

5. On Article XI

Section 30, with the introduction and deletion of some words shall be amended to read as follows:

"Section 30. Environmental Education in the Formal and Non-Formal Sectors. The municipal government in coordination with the Local School Board of Matnog and all other concerned government and non-government agencies, and private institutions, shall strengthen the integration of environmental concerns in school curricula at all levels, with particular emphasis on the theory and practice of waste management principles like waste minimization, specifically resource conservation and recovery, segregation at source reduction, recycling, re-use and composting, in order to promote environmental awareness and action among the citizenry."

Section 37. The words "for proper implementation." shall be added after the word "regulation".

6. The ordinance has substantially complied with the requirements of an ordinance on solid waste management as provided by law. The author of the ordinance was able to justify the omission of the provision on the final disposal facility and adoption of alternative technologies. The representative from the DENR-EMB is of the opinion that this matter be left to

2. On Section 15. Auxiliary Invoice for the Transport of Fish and Fishery Products.

The Committee concurred with the suggestion of the representative of the OPA that "Pinctada maxima oyster" be deleted from the list of fish/fishery products because this species is now declared as a rare species by the CITES.

3. On Section 21. Conservation and Protection of Matnog.

The second paragraph shall include the calendar year 2007.

4. On Section 27. Prohibition and Penalties under the Philippine Fisheries Code of 1998.

As suggested, a provision on administrative liability for the enforcing agencies must also be included in this Ordinance to ensure strict implementation. Hence, paragraph 5 of Section 27 which reads as "Provided finally, that any law enforcement agent and/or concerned officials under Section 27, who has the knowledge of the commission of said unlawful act but does not abate the same, shall be sanctioned administratively in the implementation of the ordinance", shall be deleted and form a separate section.

Hence, Section 29 will be amended to read as follows:

"Section 29. Administrative Responsibility – Any law enforcement agent and/or concerned officials mentioned under Section 28, who has the knowledge of a violation of this Ordinance in his/her jurisdiction fails or refuses to obey, abate the same and take proper actions, shall be dealt with severely in accordance with existing rules on administrative discipline without prejudice of the filing of the appropriate civil or criminal case."

Another thing, paragraph 4 shall also be deleted and form a separate section, because this paragraph specifically provides for the creation and function of the Municipal Anti-Aquatic Pollution Committee.

Therefore, Section 30 shall be amended to read as follows:

"Section 30. In order to effectively and efficiently implement Section 102 of the Philippine Fishery Code of 1998 in this municipality, a Municipal Anti-Aquatic Pollution Committee is hereby created Chaired by the Municipal Mayor, with Chief of Police of the PNP-Matnog, as Vice Chairman. The members of the Committee shall be the Sangguniang Bayan Member Committee Chairman on Agriculture and Fisheries, Provincial Prosecutor, Municipal Agriculturist, Municipal Health Officer and Liga President."

- 5. In view of the changes in the numbering of the preceding sections starting from Section 28, Sections 29 to 36 of the Ordinance shall consequently be changed to Section 31 to 38, respectively.
- 6. Finally, and most important, the NAMRIA approved coordinates of the boundaries between the municipal waters of Matnog and Sta. Magdalena, and Matnog and Bulan as a very essential document and requirement of this ordinance, shall be attached and shall form part of the ordinance, if not provided in a separate section.
- 7. The enactment of the ordinance is well within the prescribed power of the Sangguniang Bayan of Matnog. The same was found to be *intra vires*.

RECOMMENDATION:

Foregoing premises considered, the Committee with the technical assistance of the Office of the Provincial Agriculturist, hereby resolved to recommend approval of Matnog Municipal Ordinance No. 04-2006, inviting the attention of the concerned Sangguniang Bayan to above findings. Also, the requisite resolution to this effect is recommended.

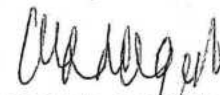
NOW, THEREFORE, on motion of Hon. Olaf S. Gotladera, unanimously seconded, the Board **RESOLVED**, as it is hereby **DONE**, to declare as valid **MATNOG MUNICIPAL ORDINANCE NO. 04-2006 ENTITLED: AN ORDINANCE PROVIDING FOR THE MANAGEMENT, CONSERVATION, DEVELOPMENT, PROTECTION, UTILIZATION AND DISPOSITION OF ALL FISH AND FISHERY/AQUATIC RESOURCES WITHIN THE MUNICIPAL WATERS OF MATNOG, SORSOGON, AND FOR OTHER PURPOSES**, inviting the attention of the Sangguniang Bayan of Matnog, Sorsogon to the above findings.

LET COPIES of this resolution be furnished the Honorable Mayor and Sangguniang Bayan of the Municipality of Matnog, Sorsogon for their respective information, guidance and appropriate action.

APPROVED UNANIMOUSLY.

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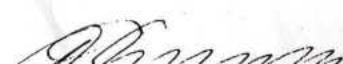
I HEREBY CERTIFY to the correctness of the foregoing.



WILLIAM H. DELGADO

Secretary to the Sangguniang Panlalawigan

ATTESTED:




Republic of the Philippines
Municipality of Matnog
Province of Sorsogon



OFFICE OF THE SANGGUNIANG BAYAN

3rd Indorsement
December 22, 2006

Respectfully indorsed to the Sangguniang
Panlalawigan, Sorsogon City the herein
Approved Ordinance No. 04-2006" AN ORDINANCE
PROVIDING FOR THE MANAGEMENT, CONSERVATION,
DEVELOPMENT, PROTECTION, UTILIZATION AND DIS-
POSITION OF ALL FISH AND FISHERY/AQUATIC
RESOURCES WITHIN THE MUNICIPAL WATERS OF
MATNOG, SORSOGON, AND FOR OTHER PURPOSES"
FOR review.



JOSEPHINE G. BAUTISTA
SB Secretary

Republic of the Philippines
Province of Sorsogon
Municipality of Matnog

OFFICE OF THE MUNICIPAL MAYOR

2nd Indorsement
November 29, 2006

Respectfully returned to the Sangguniang Bayan the herein approved Municipal Ordinance 04-2006 of the Sangguniang Bayan of Matnog entitled "AN ORDINANCE PROVIDING THE MANAGEMENT, CONSERVATION, DEVELOPMENT, PROTECTION, UTILIZATION AND DISPOSITION OF ALL FISH AND FISHERY AQUATIC RESOURCES WITHIN THE MUNICIPAL WATERS OF MATNOC, SORSOGON AND FOR OTHER PURPOSES" for appropriate action


ZENAIDA E. GARAY
Executive Secretary




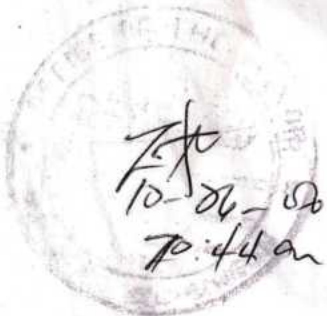
Republic of the Philippines
Municipality of Matnog
Province of Sorsogon

OFFICE OF THE SANGGUNIANG BAYAN

1st Indorsement
October 26, 2006

Respectfully indorsed to Hon. Guillermo
G. So, Municipal Mayor of Matnog, Sorsogon
the herein Municipal Ordinance No. 04-2006
of the Sangguniang Bayan of Matnog entitled
"AN ORDINANCE PROVIDING THE MANAGEMENT,
CONSERVATION, DEVELOPMENT, PROTECTION, UTILI-
ZATION AND DISPOSITION OF ALL FISH AND FISHERY
AQUATIC RESOURCES WITHIN THE MUNICIPAL WATERS OF
MATNOC SORSOGON AND FOR OTHER PURPOSES" for
approval.


JOSEPHINE M. BAUTISTA
SB Secretary




Republic of the Philippines
Municipality of Matnog
Province of Sorsogon

OFFICE OF THE SANGGUNIANG BAYAN

1st Indorsement
October 26, 2006

Respectfully indorsed to Hon. Guillermo
G. So, Municipal Mayor of Matnog, Sorsogon
the herein Municipal Ordinance No. 04-2006
of the Sangguniang Bayan of Matnog entitled
"AN ORDINANCE PROVIDING THE MANAGEMENT,
CONSERVATION, DEVELOPMENT, PROTECTION, UTILI-
ZATION AND DISPOSITION OF ALL FISH AND FISHERY
AQUATIC RESOURCES WITHIN THE MUNICIPAL WATERS OF
MATNOG SORSOGON AND FOR OTHER PURPOSES" for
approval.


JOSEPHINE B. BAUTISTA
SB Secretary

