



Republic of the Philippines  
**MUNICIPALITY OF MATNOG**  
 Province of Sorsogon



**OFFICE OF THE SANGGUNIANG BAYAN**

**EXCERPTS FROM THE MINUTES OF THE 63rd REGULAR SESSION OF THE 11th COUNCIL HELD AT SB SESSION HALL, NEW MUNICIPAL BUILDING, BARANGAY GADGARON, MATNOG, SORSOGON ON OCTOBER 09, 2023 AT 9:00 IN THE MORNING.**

Present:	Honorable Emilio G. Ubaldo, III	Municipal Vice Mayor (Presiding Officer)
	Honorable Recto G. Dulay	Municipal Councilor
	Honorable Mercy G. Gata	-do-
	Honorable Salvador L. Frencillo	-do-
	Honorable Evelyn S. Garaide	-do-
	Honorable Leopoldo Y. Sabado, Jr.	-do-
	Honorable Noli F. Galeria	-do-
	Honorable Joseph O. Go	-do-
	Honorable Silvestre F. Frando	ABC President
Absent:	Honorable Carlos G. Estrelon, Jr.	Municipal Councilor
	Honorable Vincent Gabriel Z. Escanilla	SKMF President

**Municipal Ordinance No. 2023-05**

**AN ORDINANCE ADOPTING THE REVISED RULES AND REGULATIONS PROVIDING FOR THE DEVELOPMENT, MANAGEMENT, CONSERVATION, PROTECTION, UTILIZATION AND DISPOSITION OF ALL FISH AND FISHERY RESOURCES WITHIN THE MUNICIPAL WATERS OF MATNOG, PROVINCE OF SORSOGON AND FOR OTHER PURPOSES**

Sponsors: All SB Members

BE IT ORDAINED, AS IT DOES HEREBY ORDAIN, BY THE SANGGUNIANG BAYAN OF MATNOG, IN SESSION ASSEMBLED, THAT

**CHAPTER 1  
 GENERAL PROVISION**

**SECTION 1. TITLE** – THIS MUNICIPAL ORDINANCE SHALL BE KNOWN AND CITED AS “THE 2023 MATNOG MUNICIPAL FISHERIES ORDINANCE.”

**SECTION 2-PURPOSE** – this ordinance is hereby promulgated to manage protect and conserve all fisheries and aquatic resources and other marine wealth within the municipal waters of the Municipality of Matnog, by regulating and providing measures for the sustainable utilization, exploitation and disposition of these resources in order to protect the rights of the municipal fisherfolk in the preferential use and utilization of the municipal waters and to alleviate poverty among the municipal fisherfolk through appropriate livelihood programs pursuant to Republic Act No 7160 (RA 7160), also known as the Local Government Code of 1991; RA No.8550 as amended by RA No. 10654, otherwise known as the Philippine Fisheries Code; and other relevant laws, rules and regulations.

**SECTION 3. SCOPE AND COVERAGE** –The provisions of this Ordinance shall apply and be enforced in all coastal barangays and all aquatic and fishery resources whether inland, coastal or offshore fishing areas, including but not limited to fish pens and fish cages within the territorial jurisdiction of the municipality of Matnog, Sorsogon

**SECTION 4. DECLARATION OF**

1. Achieve food security as the primary consideration in the utilization, management, development, conservation and protection of its fishery resources to meet the food need of its population
2. Ensure the rational and sustainable development, management, and conservation of the fishery and aquatic resources in municipal waters and in adjacent waters consistent with the primordial objective of maintaining a sound ecological balance, protecting and enhancing the quality of the environment;
3. Protect the rights of the fisherfolk, especially of the local community with priority to the municipal fisherfolk, in the preferential use of the municipal waters. Such preferential use shall be based on, but not limited to, Maximum sustainable yield (MSY) or Total Allowable Catch (TAC) on the basis of the resources and ecological conditions.
4. Provide support to the fishery sector, primarily to municipal fisherfolk, including women and youth sectors, through appropriate technology and research, adequate financial support, production, construction of post-harvest facilities, marketing assistance and other services.
5. Strive for social equity, but not looking at the bay resources as an investment opportunity for drawing large returns, but as life sustaining environment for the municipal fisherfolks.
6. Adopt the precautionary principle and management fishery and aquatic resources in manner consistent with the concept of an ecosystem-based approach fisheries management and integrated coastal area management in specific and natural fishery management areas provided by the national government;
7. Pursuant to the provision set forth by RA 8550, as amended and RA 7160, the Municipal Government adheres to the policy of the state in ensuring the attainment of the following objectives of the fishery sector:
  - a. Conservation, protection and sustained management of the municipal's fishery and aquatic resources.
  - b. Poverty alleviation and the provision of supplementary livelihood among municipal fisherfolk.
  - c. Improvement of productivity of aquaculture with ecological limits.
  - d. Optimal utilization of offshore and deep-sea resources; and
  - e. Upgrading of post-harvest technology.

**SECTION 5. DEFINITION OF TERMS-** As used in this ordinance, the following terms and phrases mean as follows:

1. Air Compressor – refers to a mechanical device coupled to a motor engine that pumps air into an air tank fitted with long plastic rubber hoses where compressed air passes through and used by divers for breathing underwater.
2. Ancillary Industries- refers to firms or companies related to the supply, construction and maintenance of fishing vessels, gears, nets and other fishing paraphernalia, fishery machine shops and other facilities such as hatcheries, nurseries, feed plants, cold storage and refrigeration, processing plants and other pre-and post-harvest facilities;
3. Aquaculture- refers to fishery operation involving all forms of raising and culture of fish and other fishery species in fresh, brackish and marine areas.
4. Aquarium-refers to a glass bowl or globe, a tank usually having glass sides or an artificial pond in which living aquatic animals or plants are kept.
5. Aquarium or ornamental animals- refers to aquatic animals kept in the aquarium as a hobby or as pets or for ornamental purposes, including fishes, invertebrates, crustaceans, and mollusk.
6. Aquatic pollution- refers to the introduction by human or machine directly or indirectly, of substances or energy to the aquatic environment which likely to result in such deleterious effect as to harm living and non-living aquatic resources, pose potential and or hazard to human health, hindrance to aquatic activities such as fishing and navigation, including dumping/disposal of waste and other marine litter, discharge of petroleum or residual products of petroleum or carbonaceous material substance and other radioactive, noxious or harmful liquid, gaseous or solid substance from any water, land or air transport or other human made structure. Deforestation, unsound agriculture practices such as the use of banned chemicals and excessive use of chemicals and intensive use artificial and intensive use of artificial fish feed and wetland conversions, which cause hazards and deleterious shall also constitute aquatic pollution.
7. Auction- refers to a public sale in which goods are sold to the highest bidder.
8. Aquatic resources, includes fish, all other aquatic fauna and flora and other living resources of the

- Matnog, as a point of origin, to their point of destination in any other part of the country and or export pup[roses stating therein the fishery product being transported, its quantity and estimated value if sold, the fee paid thereon and the official receipt issued;
10. BAC – refers to the local Bids and Awards Committee.
  11. Berthing charges of fee – the amount of fee assessed against the operator of a vessel for mooring or berthing at the municipal water of Matnog; or wharf, for mooring within any ship, channel, harbor, river or canal under the jurisdiction of the municipality, for mooring of taking/making fast as to a vessel already berthed or moored;
  12. Barnacles- comprised of invertebrate's sub-class cypridium in the class crustaceans of the arthropod phylum. Most live attached to rocks, sea bed, shells, ship bottom, and other submerged object some live on whale, turtle and fish various device (as other boards/doors, wooden or iron beam two (2) boats and extra logs (hopes) as in the entire gear towed, trailed, to capture fish or other aquatic resource;
  13. Certificate of harvest- refers to an authorization issued by the Municipal Mayor through the Office of the Municipal Agriculturist that allows the taking, gathering, or harvesting of shellfish.
  14. Closed Season – refers to 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.
  15. CITES – means the Convention on International Trade in Endangered Species of Wild Flora and Fauna.
  16. Coastal area/zone – refers to 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 a seaward limit of 200 meters isobath to include coral reefs algal flats, seagrass beds and other soft-bottom areas;
  17. Code – refers to eh RA 8550, also known as the Philippine Fisheries Code of 1998, as amended by RA 10654 entitled AN ACT TO PREVENT, DETER, AND ELIMINATE, ILLEGAL, UNREPORTED AND UNREGULATED FISHING.
  18. Commercial Fishing – the taking of fishery species by passive or active gear for trade, business or profit beyond subsistence or sport fishing, further classified as:
    - a. Small Scale commercial fishing – fishing with passive or active gear utilizing fishing vessel of 3.1 gross tons (GT) up to twenty (20) GT;
    - b. Medium Scale commercial fishing – fishing using active gears and vessels of 20.1 GT up to 150 GT; and
    - c. Large Scale commercial fishing – fishing utilizing active gears and vessels of more than 150 GT.
  19. Community Service – means any service or activity that is performed for the benefit of the community or its institution in lieu of the payment of fine imposed as administrative criminal liability.
  20. Coral – refers to calcareous substance made up of the skeleton of marine coelenterate polyps which includes reefs, shelves, and atolls or any of the marine coelenterate animals living in colonies where their skeleton from a stony mass. They include: (a) skeleton of anthozoan coelenterate characterized as having a rigid axis of compact calcareous or horny spicules, belonging to the genus *Corallium* as represented by the red pink and white corals which are considered precious corals; (b) skeletons of anthozoan coelenterates characterized by thorny, horny axis such as the antiphonaries represented by the black corals which are considered semi-precious corals; and (c) ordinary corals which are any kind of corals that are not precious nor semi-precious.
  21. Coral reef – refers to a natural aggregation of coral skeleton, with or without living coral polyps occurring in inter-tidal marine waters
  22. Crablet – refers to a juvenile mudcrabs (*Scylla serrata*) five (5) centimetre (2 inches) and above in carapace length.
  23. Department – shall mean the Department of Agriculture
  24. Derris – variety of plant such as Tuba, Tubli, Lagtang, Bayati...that contain rotenone substance which kill, stupefy, disable or render unconscious fishery species whether or not the same are subsequently recovered.

26. **Ecological approach to fisheries management** – means an approach to fisheries that strives to balance diverse societal objectives or needs by taking account of the knowledge and uncertainties about biotic, abiotic, and human components of ecosystems and their interaction and applying an integrated approach to fisheries management within ecologically meaningful boundaries. It may be synonymously used with “ecosystem approach to fisheries management” (EAFM).
27. **Electrofishing** – refers to 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 are subsequently recovered.
28. **Endangered, rare and or threatened species** – aquatic plants including some variety of corals and seashells endanger of extinction provided for existing laws, rules and regulations or in the protected areas and wildlife bureau of the Department of Environment and Natural Resources and in the convention of the International Trade and Endangered Species of flora and fauna (CITES)
29. **MFARMC** – refers to Municipal Fisheries and Aquatic Resources Management Council
30. **Fine Mesh Net** – refers to a net with mesh size less than three centimeters (3cm) measured between two (2) opposite knots of full mesh when stretched or otherwise determined by the appropriate government agency.
31. **Fish and Fishery/Aquatic products** include not only finfish but also mollusks, crustaceans, echinoderms marine mammals and all other products of aquatic resources in any form.
32. **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 place by wooden/bamboo post or various types of anchors and floats;
33. **Fish Coral or Baklad** – refers to any stationary wire or trap to intercept or capture of fish consisting of rows of bamboo stakes, plastic nets and other materials fenced with split bamboo or synthetic mattings with one or more enclosures, usually with easy entrance but difficult exit and with or without leaders to direct the fish to the catching chambers purse or bags;
34. **Fish fingerlings** – refers to a stage in the life cycle of fish measuring to about 6- 13 cm depending on the species.
35. **Fish pen** – refers to an artificial enclosure constructed within the bodies 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.
36. **Fish worker** – refers to a person regularly or nor 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
37. **Fisherfolk** – refers to people directly or personally and physically engaged in taking and or culturing and processing fishery and / or aquatic resources.
38. **Fisheries** – refers to all activities relating to the act or business or 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.
39. **Fishery Refuge and sanctuaries** – a designated area where fishing and other forms of activities, which may damage the ecosystem of the area is prohibited and human activities may be restricted.
40. **Fishery reserve** – refers to a designated area where activities are regulated and set aside for educational and research purposes.
41. **Fishery Species**- refers to all aquatic flora and fauna including but not restricted to fish, algae, coelenterates, mollusk, crustaceans, echinoderms, and cetaceans
42. **Fishing** – refers to the taking of fishery species from their wild state or habitat, with or without the use of fishing vessels.
43. **Fishing for daily food sustenance** – refers to fishing in which the fish caught, and/or the proceeds thereof, are consumed directly by the families and kin rather than being bought by intermediaries and sold at the next larger market;
44. **Fishing gear** – refers to any instrument or device and its accessories utilized in taking fish and other fishery species.
- a. **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, purse seines, Danish seines, paaling and drift gill net

45. 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 a structure above water or suspended underwater to attract both fish members of their food chain to specific areas in order to harvest them;
46. Fishing paraphernalia – shall refer to the equipment/s apparatus, or set of instruments used in catching, gathering and harvesting of fish, mollusk, crustaceans and other aquatic products, which includes the fishing vessel and other similar used in fishing activity;
47. Fishing vessel – refers to nay boat, ship or other watercraft equipped to be used for taking of fishery species or aiding or assisting one (1) or more vessels in the performance of any activity relating to fishing, including, but not limited to, preservation, supply, storage, refrigeration, transportation and/or processing;
48. Fishing with explosives – refers to the use of dynamite, other explosives or other chemical compounds that contain combustible elements or ingredients which upon ignition by friction, concussion, percussion or detonation of all or parts of the compound, will kill stupefy, disable or render unconsciously 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;
49. Fishing with noxious or poisonous substance – refers to the use of any substance, plant or extracts or juice thereof, sodium cyanide and or cyanide compounds or other chemicals either in 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;
50. Gross tonnage – includes the underdeck tonnage, permanently enclosed spaces above the tonnage deck, except for certain exemptions. In broad terms, all the vessels closed-in spaces expressed in volume terms on the bases of one hundred cubic feet (that equals one gross ton).
51. Harvest Control Rules – refers to action 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;
52. Illegal fishing – means fishing activities conducted by Philippine fishing vessels operating in violation of Philippine laws, Regional Fisheries Management Organizations resolutions, and laws of other coastal states.
53. Marginal fisherman – refers to any individual engaged in subsistence fishing which may be limited to the sale, barter or exchange of marine products produces by himself and his immediate family; provided, that for a fisherman to be considered as marginal on the context of this ordinance the cost of his fishing paraphernalia should not exceed twelve thousand pesos (Php12,000.00);
54. Maximum Sustainable Yield (MSY) – refers to the largest average quality of fish/fishery products that can be harvested from a fish stock/resource within a period of time (e.g. one year) on a sustainable basis under exiting environmental conditions;
55. Municipal fisherfolk – refers to the person residing in the municipality of Matnog who are directly engaged in municipal fishing and other related fishing activities.
56. Municipal Fishing – refers to fishing within the municipal waters using fishing vessels of 3 GT or less, or fishing not requiring the use of fishing vessel.
57. Municipal waters – include not only streams, lakes, inland bodies of water and tidal waters within the municipality, which are not included within the protected areas as defined under Republic Act No. 7586 (NIPAS Law) public forests, timber lands forest reserves or fishery reserves, but also marine waters included between two (2) 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 fifteen (15) kilometer from such coastline. Where two (2) municipalities are so situated on opposite shores that there is less than thirty (30) kilometers of marine waters between the, the third line shall be equally distant from opposite shore of the respective municipalities
58. Post-harvest facilities – includes but are not limited to fish port, fish landing, ice plants, cold storage and fish processing plants.
59. Red tide- refers to a natural phenomenon that's characterized by the discoloration of seawater due to the abnormal proliferation of a toxic dinoflagellate.
60. Seaweed- refer to all marine algae used as food or producing derivatives such as agar, urgina, carrageenan or other extracts of economic or commercial value such as but not limited to "gulaman dogo" or other...

62. Sports fishing – refers to fishing or leisure or part time which is not for commercial, occupational or livelihood purposes.
63. 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 generator, battery or dynamo couples with main engine. (wattage...c/o bfar)
64. Total Allowable Catch (TAC) refers to the maximum harvest allowed to be taken during a given period of time from any fishing area, or from any fishery species or group of fishery species, or a combination of are and species and normally would not exceed the Maximum Sustainable Yield (MSY).

## CHAPTER II THE MUNICIPAL WATERS OF MATNOG

**SECTION 6. THE MUNICIPAL WATERS** – The municipal water of Matnog, Sorsogon, per NAMRIA-MW-SRG-009 s. 2002, is bounded by the general coastline of the municipality an the lines described as follows: (Municipal Waters Map attached as Annex A)

Point	Latitude	Longitude	Remarks
Beginning at 1	12°36'45"	124°06'10.2"	Coastal Terminal Point
thence 2	12°36'50"	124°07'04"	
thence 3	12°36'56"	124°07'37"	
thence 4	12°37'12"	124°08'25"	
thence 5	12°37'17"	124°09'18"	
thence 6	12°37'09"	124°12'17"	
thence 7	12°36'47"	124°12'07"	
thence 8	12°35'15"	124°11'54"	
thence 9	12°34'13"	124°11'44"	
thence 10	12°32'59"	124°11'24"	
thence 11	12°32'13"	124°11'18"	
thence 12	12°31'54"	124°10'30"	
thence 13	12°31'31"	124°09'30"	
thence 14	12°31'12"	124°08'36"	
thence 15	12°30'53"	124°07'54"	
thence 16	12°29'48"	124°06'30"	
thence 17	12°29'03"	124°05'39"	
thence 18	12°28'19"	124°04'33"	
thence 19	12°27'51"	124°04'00"	
thence 20	12°28'06"	124°03'32"	
thence 21	12°28'16"	124°02'57"	
thence 22	12°28'21"	124°02'18"	
thence 23	12°28'24"	124°01'00"	
thence 24	12°28'15"	123°59'09"	
thence 25	12°28'03"	123°57'51"	
thence 26	12°27'54"	123°56'15"	
thence 27	12°27'43"	123°55'00"	
thence 28	12°27'32"	123°54'08"	
thence 29	12°27'57"	123°53'42"	
thence 30	12°28'33"	123°53'24"	
thence 31	12°29'54"	123°52'47"	
thence 32	12°30'23"	123°53'26"	
thence 33	12°31'14"	123°54'31"	
thence 34	12°32'21"	123°56'06"	
thence 35	12°32'45"	123°56'49"	

			MBM #38 Bulad CAD
thence following the coastline to 1			

Water Areas: 293,910.00 square meters/29.391 hectares more or less  
 Coastline Length: 55.324 kilometers/55,324.00 meters more or less

**SECTION 7. JURISDICTION** – the municipal government of Matnog, Sorsogon shall have jurisdiction over the municipal water as defined in the code and in this ordinance. In consultation with the Municipal Fisheries and Aquatic Resources Management Council (MFARMC), the municipal government is responsible for the management, conservation, development, protection, utilization, and disposition of all fish and fishery/aquatic resources within its municipal waters, the municipal government, may, in consultation with MFARMC, enact an ordinance in accordance with the National Fisheries policy and the local government shall also enforce fishery laws and regulations as well as valid fishery ordinance enacted by the municipal council.

**SECTION 8. USE OF MUNICIPAL WATERS** – the use and exploitation of the fisheries and aquatic resources in the municipal water shall be reserved exclusively to Filipino citizen: Provided, that all fishery-related activities in the municipal water of this municipality shall be utilized by duly registered municipal fisherfolk and their cooperatives/organizations that are listed as such in the registry of municipal fisherfolks; Provided, however, that the municipal mayor, upon recommendation of the MFAMRC, may issue permit to local or foreign tourist who desire to engage in fishing for leisure, subject to this ordinance, relevant laws and Fisheries Administrative Order (FAO) on sport fishing.

No commercial fishing vessel is allowed to fish within the Municipal Waters pursuant to Section 16 of RA 10654 and FAO 198-1 s. 2018.

**SECTION 9. FISHERY LEASE OR PERMIT REQUIREMENTS** – No person shall explore, capture, culture, breed for any purpose gather fish, fry or fingerlings of any species or fishery products, or engage in any fishery activity within the municipal waters of the municipality of Matnog without first securing necessary and appropriate license, lease or permits from the Municipal Mayor through the office of the Municipal Agriculturist, subject to the payment of appropriate license, lease or permit fees at the Municipal Treasurer's Office. Such license or permit shall be renewed annually on or before the 31<sup>st</sup> day of January. Marginal fisherfolk are exempted from paying such permit fee but they shall register in accordance with Section 14 of this Ordinance.

For purpose of this section, there shall be a standard application form to be crafted and devised by the office of the Municipal Agriculturist. Said office shall keep a log/record book of all application: Provided, that fishing in the municipal waters for daily food sustenance or only for leisure shall be allowed without securing said permit; Provided, further, that the persons concerned shall inform the Municipal Agriculturist prior to such activity for records purposes.

**SECTION 10. DEMARCATED FISHERY RIGHTS AND ESTABLISHMENT OF FISHING ZONES.** Pursuant to section 149, and in relation to section 151, of the Local Government Code of 1991, the following zones are hereby prescribed to wit:

**DESCRIPTION OF ESTABLISHED ZONES:**

- a. Zone 1 – areas from the municipal boundary of Matnog and Bulan as defined in the technical description of NAMRIA-MW-SRG-001, series of 2020, to the point where the established boundary between Barangay Mambajog and barangay Singatan is located.
- b. Zone 2 – Areas from the point of established boundary of barangay Mambajog and barangay Sinang-atan is located to the point of established boundary between Barangay Bon-ot (Small) and Barangay Culasi.
- c. Zone 3 – Areas from the point of established boundary between Barangay Bono-t (Small) and Culasi to Mantaid point including Morong Borong Island.
- d. Zone 4 – Areas from Mantaid to the Municipal Boundary of Matnog and Sta. Magdalena also as defined in the Technical Description of NAMRIA – SW-SRF-001 s. 2002 including areas

Provided that all points where the established boundaries of respective barangays extended to 15 kilometers perpendicular to the general shoreline, as defined in the code, such as but not limited to areas within Zone 3 and Zone 5 where the third in line and fourth line are equidistant to each other.

### CHAPTER III REGISTRATION AND LICENSING

**SECTION 11. GRANT OF FISHING PRIVILEGE** – The duly registered fisherfolk organizations and or cooperatives shall have preference in the grant of fishery rights by the Sanggunian Bayan pursuant to Section 149 of the Local Government Code of 1991.

Provided, that the fishing privileged shall be granted only to registered and functional fisherfolk organizations/cooperatives accredited by the Sanggunian Bayan. The members of such fisherfolk organizations/cooperatives must have resided in this municipality for at least six (6) months, and are listed in the registry of municipal fisherfolk at the Office of the Municipal Agriculturist; Provided, that an organization/cooperative member whose household is already in possession of a fishery right other than for fish capture cannot enjoy the fishing right granted to the organization and or cooperatives.

Provided further, that in the event where there are two (2) or more qualified cooperatives and or organizations who applied for the grant of such privilege, or in the absence of such organizations, or their failure to exercise their preferential right, the Sanggunian Bayan may require a public bidding for such purpose in accordance with RA 9184 and its implementing rules and regulations. In the absence of such fisherfolk organizations/cooperatives or their failure to exercise their preferential right, other parties may participate in the public bidding, who must be Filipino citizens, have resided in this municipality for at least one (1) year, and recommended by the MFARMC. Thereafter, the corresponding permit or license to operate shall be issued by the Municipal Mayor upon payment of the annual fees prescribed by this Ordinance hereof and subject to compliance with all the pertinent provisions of this Ordinance.

Only one unit for each fishing privilege shall be granted to an individual, fisherfolk organization or cooperative. If a fishing privilege was already granted to a person, no similar privilege shall be granted to any member of his family or any person represented or financed by him. Provided, that no new concession, license or permit, lease and/or similar privilege for the establishment or operation of fish pens, cages, fish corrals/traps and other similar structures in the municipal waters shall be granted except to registered fisherfolk and their organizations pursuant to Section 53 of this Ordinance.

Provided further, that all applicants for the grant of fishing privilege along with the required location plan of the area being applied for and cooperatives articles of cooperation, constitution and by-laws and certificate of registration shall be filed with the Sanggunian Bayan through the Office of the Municipal Agriculturist. The said office shall devise the application form for this purpose. Provided, finally, that pursuant to Rule 16.1 that may be issued by this municipality in accordance with the Harvest Control Rules and Reference points to be adopted through the assistance of Bureau of Fisheries and Aquatic Resources (BFAR).

**SECTION 12. LOCAL BIDS AND AWARDS COMMITTEE (BAC)** – the local BAC, which shall also include the Chairman of the Sanggunian Bayan, Committee on Agriculture and the representative of the MFARMC as members, shall be responsible for the conduct of pre-qualifications of bidders, bidding evaluation of bids and the recommendations of awards to the Sanggunian Bayan concerning the grant of subject fishing rights of privileges. For this purpose, the BAC shall conduct the bidding in accordance with the existing bidding procedure and regulations, and a representative of the Commission on Audit shall observe the proceedings and shall certify that the rules and procedures of pre-qualifications, bids and awards have been complied.

A bidder's bond in the amount corresponding to the prescribed minimum annual rental of the allotted area for the fishing privilege shall be mandatory requirement. Provided, that the amount of the winning bidder shall be forfeited in favor of the Municipal Government in case of failure to execute the granted fishing privilege within three (3) months after its grant/award by the Sanggunian Bayan and issuance of the corresponding license to operate by the Municipal Mayor. (Public bidding per RA 9184).

including the certification of bidders and posting in all barangay halls and other conspicuous places in the municipality of the notice of bidding indicating among others, the time, place and date of bidding. Said notice shall be posted for a period of not less than thirty (30) days prior to the conduct of such public bidding.

**SECTION 14. REGISTRY OF MUNICIPAL FISHERFOLK** – All municipal fisherfolk residing in this municipality for at least six (6) months shall register with the office of the municipal agriculturist. Said office shall maintain a registry of the municipal fisherfolk who are fishing or may desire to fish in the municipal waters for the purpose of determining priorities among them, of limiting entry into the municipal water, and of monitoring activities, and or other related activities. The municipal government shall issue a Fisherfolk Identification Card upon registration.

Provided, that the MFARMC shall submit to the municipal government through the Office of the Municipal Agriculturist the list of priorities for its consideration; Provided, also, that such list of registry shall be updated annually, or as may be necessary. The same shall be permanently posted in barangay halls or in the municipal hall, and in other strategic locations where it shall be open to public inspection for the purpose of validating the correctness and completeness of the list. A standard registration form for municipal fisherfolk and fishing gears shall be developed by the Municipal Agriculturist with the assistance of the BFAR.

The office of the Agriculturist, in consultation with the FARMC, shall formulate the necessary mechanism for inclusion or exclusion procedures that shall be most beneficial to the resident municipal fisherfolks, subject to approval by the Sanggunian Bayan. The MFAMRC may likewise recommend such mechanism.

Provided, further, that although the registry of municipal fisherfolk shall serve as basis for the identification of priority municipal fisherfolk who shall be allowed to fish within the municipal waters, the registration however is not equivalent to a license permit to fish. Any person not listed in the registry of municipal fisherfolk who engages in any commercial fishing activity in the municipal waters shall be charged and prosecuted pursuant to Section 86 of the Code. Provided, finally, that the Office of the Municipal Agriculturist shall issue an identification card for registered fisherfolk and the same shall be carried, at all times, while fishing along with the permit to fish issued by the Municipal Mayor pursuant to the pertinent provision of this Municipal Ordinance.

**SECTION 15. LICENSES OR PERMIT TO FISH** – Every registered municipal fisherfolk shall secure a license or permit to fish before the same can engage in any fishing activity in the municipal waters of this municipality. The permit to fish shall be renewed annually on or before the fifteenth (15<sup>th</sup>) day of January of each year. The application for a permit to fish shall be devised by the Office of the Municipal Agriculturist and all applications shall be filed with and processed at said office. (formulate a matrix/refer to MFARMC)

Fishing in the municipal waters for daily sustenance or for leisure shall be allowed without securing a permit to fish. Provided, that the person concerned shall notify the Municipal Agriculturist for such activity or purpose for record purposes.

Fishing without license/permit to fish is unauthorized fishing under this Ordinance.

**SECTION 16. CERTIFICATE OF HARVEST** – Taking, gathering, or harvesting of wild shellfish shall not be allowed without a certificate of harvest issued by the Municipal Mayor upon payment of appropriate fees. Provided, that no gathering, harvesting, taking, or selling of juvenile shelled mollusk shall be allowed. Provided, further, that there shall be no gathering, selling, catching of crablets during the months of November, December, January and February, and no gathering, selling catching of crab with egg gravid. Provided, also that no person shall not engage in any banned activity whenever red tide is declared to be present in the municipal waters, as defined in this Ordinance.

The Office of the Municipal Agriculturist shall formulate guideline on the gathering, collecting, transporting, and selling of barnacles. The taking, gathering, or harvesting of wild shellfish in unauthorized fishing under this Ordinance.

Agriculturist, and a license is issued by the Municipal Mayor upon payment of the permit fees under this ordinance. It shall be renewed annually on or before the fifteenth (15<sup>th</sup>) day of January.

The use of fishing gears which are registered and licensed by any of the neighboring municipalities of Matnog within the province may be allowed in the municipal waters without securing a license from the Office of the Municipal Mayor. Provided, that a similar privilege is granted by the municipality that issued the license or permit to owners of fishing gears registered and licensed by this municipality. Provided, further, that the license or permit to use fishing gears shall always be carried while fishing for inspection purposes. The size of the fishing gears, traps and all other fishing paraphernalia shall be determined by the Office of the Municipal Agriculturist.

Fishing with unregistered and unlicensed fishing gears shall subject such gears for impounding.. The fish catch shall be confiscated in favor of the Municipal Government. Marginal fisherfolks, however, are exempted in paying the aforesaid fees, but shall register their fishing gears for record purposes.

**SECTION 18. REGISTRATION OF MUNICIPAL FISHING BOATS/VESSELS AND CORRESPONDING LICENSE TO OPERATE-** All fishing boats/vessels with three gross tons and below shall be registered in this municipality through the office of Municipal Agriculturist within thirty (30) days after the effectivity of this ordinance, and shall be renewed on or before January 15 every year thereafter. The corresponding license to operate a fishing vessel, containing therein the name and address of the owner of the vessel registry number and measurement, engine brand and horse power type of fishing gear to be utilized in its operation, name of vessel, color and other identifying marks and picture of the boat/vessel together with the owner, shall be issued by the Municipal Mayor upon recommendation of the Municipal Agriculturist and payment of the annual registration fees prescribed in this Ordinance. An assigned number shall be printed on both sides of the banca and shall bear the respective color assigned in each barangay.

In case there is transfer of ownership, the new owner shall register the fishing vessel in his name within fifteen (15) days after acquiring ownership of the same. The new owner shall no longer pay the registration fee for the current year if payment has already been made by the previous owner. However, failure to register said fishing vessel within the prescribed 15-day period shall subject the owner to a fine of Five Hundred Pesos(P500.00) and his vessel shall be impounded until such time that it is registered in his name and the fine is paid at the Municipal Treasurer's Office.

Fishing vessel which are registered and licensed by the other municipalities bordering Matnog shall be allowed to operate in the municipal waters of this municipality without the need of registering and securing another license, subject to a Memorandum of Agreement (MOA) granting similar privilege to fishing vessels registered and licensed by this municipality. For this purpose, the municipality, represented by the Municipal Mayor shall enter a MOA with the other municipalities bordering it. The said MOA shall also contain the establishment and adoption of the color-coding scheme for municipal fishing vessel previously agreed upon by the said local government units and consistent with Executive Order No. 305, series of 2004.

It shall likewise be unlawful for any owner/operator of the fishing vessel to employ any unlicensed fish worker, as defined in this Ordinance. Application for this purpose shall be filed with the Office of the Municipal Agriculturist, which shall device the appropriate application form. The corresponding license with a validity of one (1) year from the date of the issuance, thereof, shall be issued by the Municipal Mayor. The Office of the Municipal Agriculturist shall furnish DA-BFAR and Maritime Industry Authority (MARINA) of the list of registered fishing vessel pursuant to Executive Order No. 305, series of 2004.

**SECTION 19. GATHERING OF AQUARIUM ORNAMENTAL ANIMALS-** It shall be unlawful for any person to gather or catch, sell, transport any marine aquarium ornamental animals without securing a permit; Provided, that the Office of the Municipal Agriculturist shall promulgate rules and regulations for catching, gathering of marine and fresh water aquarium ornamental animals in the municipal waters of this municipality. Provided, further, that the issuance of permit/license by the LGU shall be granted only to registered fisherfolks.

**SECTION 20. GATHERING OF BARNACLES AND SHELLED MOLLUSKS** – It shall be unlawful for any person to gather, sell and transport barnacles, live or empty shell, from the Municipal waters without securing permit from the Office of the Municipal mayor through the Office of the Municipal Agriculturist. Provided that:

1. Gathering of barnacles and other shelled mollusks shall be allowed only from the months of September, October, November, December, January and February; and
2. Gathering shall not involve the use of implements that can cause damage to the seabed.
3. Permit shall be issued only to registered fisherfolk of the municipality. ~~(For further study and inqu~~

**SECTION 21. ADDITIONAL TERMS AND CONDITIONS IN THE GRANT/ISSUANCE OF MUNICIPAL FISHERY LICENSE OR PERMITS** – The concerned permittee, lessee or licensee shall assume responsibility for any and all acts of his fish workers, employees, agents or contractors connected with the fishing operation and his license or permit shall be subject to the following terms and conditions, as the case may be, to wit:

1. No fish corral or baklad, bonoan, sagkad or mussel farm shall be constructed within fifty meters (50m) from another fish corral in marine waters and fifty meters in freshwater fisheries or rivers;
2. No fishing activity with the use of nets, traps and other fishing gears shall be allowed within fifty (50) meters of any fishing structure, such as fish corral, mussel/oyster farm, seaweeds farm, fish cage/pen and other similar structures;
3. Fish corrals shall be prohibited and dismantled whenever a closed season is declared and established by the Sanggunian Bayan;
4. The materials for the construction of any fish corral, fish pen, fish cage, mussel or oyster farm, "lap-gap" or nay structure using bamboo or "palva brava"(anahaw poles) should come from legitimate sources or areas covered by a Minor Forest product Permit issued by the Department of Environment and Natural Resources (DENR)
5. The licensee or permittee of any fish corral/ baklad, bonoan, sagkad, langgap/ 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 shall also be placed such as name of operator,/owner/permit number to operate. Similarly, fishing vessels must have or shall be installed with navigation lights or beacons.
6. The lessee, licensee or permittee shall not undertake construction of any structure which obstruct free navigation in the municipal waters of this municipality, 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.

Violation of any of the afore stated terms and conditions shall subject the particular license or permit to revocation proceedings, and the prohibited structures under paragraphs 1,3 and 6 shall be removed by the person concerned at their own expense; otherwise, the Municipal Agriculture Office shall undertake the removal of such structure and the same shall be confiscated in favor of the Municipal Government.

#### CHAPTER IV FEES, CHARGES and RENTALS

**SECTION 22. LICENSE FEES on FISHING PRIVILEGE** – the annual rentals for fishing privileges and/or fishery activities in the Municipal Waters of Matnog are hereby enumerated, to wit:

EXCLUSIVE FISHING PRIVILEGE	ANNUAL FEES	MAXIMUM UNIT
1. For operation of mussel/oyster culture (beds per hectare)	500.00	
2. For operation of fish pens:		
Individual (100 sq.ms maximum)	1,000.00	
Juridical (More than 100 sq.m.)	2,000.00	
3. For operation of seaweed farm:		
Individual (maximum of 100	500.00	

4. For the operation of pearl farm Individual (max. of 100 sq.m) Juridical person (max of 500 Sq.m)	500.00 1,000.00	
5. For the operation of fish pens Individual (max. of 100 sq.m.) Juridical (max of 500 sq.m)	1,000.00 2,000.00	
6. For the operation of fish cages Individual (max. of 100 sq.m.) Juridical (max of 500 sq.m)	400.00 1,000.00	

In consultation with the MFARMC, the Sanggunian bayan shall designate specific areas intended for each fishing privilege considering the water depth where each fishing activity is naturally suited.

**SECTION 23. LICENSE FEES FOR OTHER FISHING PRIVILEGE** - Pursuant to section 17 of the Code, the following fees for other fishing privileges are hereby prescribed and shall be paid at the Municipal Treasurer's Office on or before January 30 each year, to wit:

Fishing Privilege				Annual Fees (Php)
1. Fish	corral	per	unit in:	
	Marine water			400.00
	Lagoon			300.00
	Brackish			200.00
	Bay			400.00
2. Fish Cage				
	Marine			800.00
	Brackish			400.00
	Lagoon			1,000.00
	Bays			1,000.00
3. Fish pen				
	Marine			400.00
	Brackish			400.00
	Lagoon			1,000.00
	Bay			800.00
4. Gathering of aquarium fishes (per buyer)				500.00
5. Gathering of barnacles and other shelled mollusk				
	Boat owner			1,600.00
	Diver			100.00
6. Gathering of crablets				
	Buyer			1,400.00
	Gatherer			50.00

**SECTION 24. AUXILIARY INVOICE FOR TRANSPORT OF FISH AND FISHERY PRODUCTS**- No Fish or fishery products shall be transported from municipality, as point of origin, to their point of destination in other parts of the country and for export purposes without the required auxiliary invoice issued by the Municipal Agriculturist upon payment at the Municipal Treasurers office of the fees prescribed hereunder:

Fish and Fishery Product	Fees (Php)
preserved fish (iced, frozen, salted, dried or smoked)	.20/kg
patis, bagoong and other similar products	.20/kg
Barnacle (empty shell)	30/kg

Dried squid	2.00/kg
Fresh seaweeds	.20/kg
Dried seaweeds	.40/kg
Slated skin of sea snakes	10.00/kg
Bangus fry	15/pot or 3,000 pieces 10/pot or 1,000pcs
Live lobster	20.00/kg
Prawn	6.00/kg
Fin fishes	10.00/kg
Live fishes	10.00/kg
Juvenile mudcrabs/crablets	.25/crablet
Mudcrabs/mangrove crabs	10.00/kg
All other unclassified marine products	1.00/kg

Provided, that the fish and fishery products transported and or unloaded by Philippine registered fishing vessels and cultured pearls are exempted from the issuance that no auxiliary invoice shall be issued for the transport of fish and fishery products which are declared as health hazards and those which are caught in violation of Republic Act No. 8550, as amended, or this ordinance. The Municipal Agriculturist shall likewise ensure that all traders of fish and fishery products in this municipality shall first secure the auxiliary invoice before transporting their products. Provided, also that a monthly summary of the auxiliary invoices issued shall be submitted to the Provincial Fishery Office by the Municipal Agriculturist pursuant to Rule 15.1 of the implementing rules and regulations by this code.

Provided, furthermore, that traders of fish and fishery products being transported through this municipality shall be required to show or present the auxiliary invoice and the official receipt representing payment of fees issued from points of origin. In the absence of said document, it shall be presumed that the products originated from this municipality, and the concerned trade shall be required to pay the corresponding fees for the issuance of auxiliary invoice.

They should likewise secure Local Transport Permit (LTP) from BFAR if fishery products are to be transported outside the province.

**SECTION 25. LICENSE FEES FOR FISHING GEAR** – Pursuant to Section 17 of this Ordinance, the annual fees for the following fishing gears of Matnog are as follows:

FISHING GEAR	ANNUAL FEE
1. Fish traps:	
Bobo (fish pot/crab pot)	
Small	10.00
medium	
large	15.00 20.00
2. Bintol (Crab lift net)	10.00
3. Other Fishing gears	
Pakitang	
For small species	50.00
For big species	100.00
Pamolinao (Scoop net/Agahid)	800.00
Pamolinao (Basnig)	1,200.00
Palutang (Drift Gillnet)	1,000.00
Kubkuban	1,000.00
Kalansisi	1100.00
Largarete	400.00
Barangay (Sarap)	200.00
Pangulong sa alubaybay	500.00

**SECTION 26. LICENSE FEE FOR MUNICIPAL FISHING VESSEL** – No municipal fishing vessel shall be allowed within the municipal waters of this municipality unless it is registered and licensed in accordance with Section 18 of this Ordinance. The annual fee for each municipal fishing vessel, as provided for by EO 305 shall be as follows:

VESSEL	ANNUAL FEE	
	License Fee	Mayor's Permit
Non-motorized fishing vessel	50.00	Free
Motorized vessel with less than 10hp	200.00	150.00
Motorized vessel 11 to 16 hp	300.00	150.00
Motorized vessel more than 17-20hp	400.00	150.00
Motorized vessel with four cylinder engines	1,000.00	150.00

**SECTION 27. BERTHING FEE** – There shall be a berthing fee for all fishing boats and vessels moored or anchored at this municipality municipal water. Provided, that fifty percent (50%) of the fee collected shall be shared with concerned barangay. The fees shall be as follows:

Vessel	Fee
Motorboat	20.00
4 Cylinder engine and above	50.00
vessel 3 tons and above	500.00

**CHAPTER 5  
MANAGEMENT AND CONSERVATION OF FISHERIES AND AQUATIC RESOURCES**

**SECTION 28. DECLARATION OF CLOSED SEASON** – In consultation with the MFARMC, the Sanggunian Bayan, through a resolution, may declare a closed season in the municipal waters at specified periods and occurrences for conservation and ecological reasons or purposes. The MFAMRC may also recommend the declaration of closed season in the municipal waters. For this purpose, the municipal government shall cease to issue license or permits for fisheries activities during the closed season.

**SECTION 29. ESTABLISHMENT OF FISHERY REFUGE AND SANCTUARIES** – The Sanggunian Bayan, in consultation with the MFARMC, may establish fishery refuge or sanctuaries in accordance with section 81 of the Code and its implementing rules and regulations. The MFARMC may also recommend to establish fishery refuge and sanctuaries. Within these areas, no fishing shall be allowed as mandated by Section 101 of the Code.

**SECTION 30. POST-HARVEST FACILITIES** – The municipal government shall coordinate with the private sector, other concerned agencies and the MFARMC in the establishment of post-harvest facilities for fishing communities such as, but not limited to, municipal fish landing site, fish port, ice plants and cold storage and other fish processing establishment to serve primarily the needs of the marginal fisherfolk. Such post-harvest fishing activities shall be consistent with the Comprehensive Post-Harvest and Ancillary Industries Plan prepared by the DA. Provided, that all post-harvest facilities shall register with and be licensed by this municipality in accordance with the prescribed minimum standards established for such facilities by the DA through the BFAR.

**SECTION 31. SUPPORT TO MUNICIPAL FISHERFOLK** - The Municipal Government shall provide support to municipal fisherfolks through appropriate technology and research, credit and production and marketing assistance and other services, such as but not limited to training for additional supplementary livelihood.

**SECTION 32. FISHPORTS** – The Sanggunian bayan shall designate fish ports where all fishing vessel shall dock and unload their catch or cargo of fish and other aquatic resources which shall be inspected by duly authorized Bantay Dagat for violation of existing fishery law, ordinances or rules and regulation or for assessment of auxiliary invoices and other prescribed fees before it can be sold, packed or transported to

**SECTION 33. COMMUNITY FISH LANDING CENTER (CFLC).** One of the post-harvest facilities located in Barangay Camcaman, Matnog, Sorsogon envisioned to provide th fishing community with a simple and cost effective support infrastructure that will serve the following functions as Trading hub for the fresh catch and processed products, post harvest handling and processing center and training center for skills development including data collection for fisheries management, information hub for relevant services such as registration and licensing for fisheries, boat and gear and hazard warnings in hub for community meetings and events.

**SECTION 34. CONSERVATION AND PROTECTION OF MANGROVES** – In recognition of importance of mangrove forest towards the protection and enrichment of marine ecosystem, permanent mangrove forest in recommended coastal zones shall be developed and maintained through stewardship agreement which the DENR and the duly accredited organizations/cooperatives of municipal fisherfolk. The cooperative or organization of municipal fisherfolk whose members are residing in the barangay where the mangrove stewardship area is located shall have preferential rights under the program. Provide, that the conversion of mangroves into fishponds or for any other purposes is illegal and punishable under Section 99 of the Code.

The necessary funds for the implementation of the Mangrove Stewardship Program shall be allocated under 20% Annual Development Fund for CY 2024 and the succeeding year, if necessary.

**SECTION 35. REGULATION OF THE USE OF SUD-SUD AND ATRAS** – under FAO 264 s, 2020 allows regulation on the catching, possession, transporting selling, trading and exporting of mangrove crablets , juvenile mangrove crabs and gravid mangrove crabs published on April 14, 2020 and took effect 15 days thereafter. Per Section 4 164 alllows catching , possession, transporting, selling and trading and exporting of wild sourc match box size crablets which are 5 cms. Carapace width bigger local aquaculture intended for growout purposes. For hummanitatirian reason, the use of sud-sud may be allowed between the months of January to June. It shall be unilawfai to use sudsud in catching other than langawlangaw inthe following areas such as beaches, seagrass outside the river opening.

**SECTION 36. PROMOTION OF PEARL OYSTER FARMING** – Considering its tremendous potential for income generation for municipal fisherfolk and for easing the fishing pressure in the municipal waters, pear oyster farming is hereby encouraged. The municipal government shall establish linkages with national government agencies, research institutions and the private sector for the purpose of establishing pearl oyster culture as an alternative livelihood and curb illegal fishing in the municipal waters at the same time. Provided, that issuance of license or permit for the operation of pearl farms shall be in accordance with exiting and relevant rules and regulations of the DA. Provided, also that in the event that pearl oyster become available in the municipal waters, any permittee granted with the privilege of gathering the same shall conduct trainings on pearl oyster, spat collection and culture to municipal fisherfolk and shall established demonstration units on spot collection for adoption and replication by the fisherfolk.

**SECTION 37. PROMOTION OF SEAWEED CULTURE** – The municipal government shall encourage the establishment of seaweed farms by providing channels for funding assistance to qualified marginal fishermen, facilitate technology transfer through the sponsorship trainings and seminars, assist in marketing development, and by providing liberal tax incentives to stimulate investment in the industry. Provided, that the establishment of seaweed farms shall not be a navigational hazard.

**SECTION 38. CREATION OF MUNICIPAL REDTIDE CONTROL AND MONITORING TASK FORCE-** A taskforce is hereby created to ensure protection of public health from paralytic poisoning and tasked to implement and enforce the ban on harvesting, gathering, selling, transporting and or eating shellfish whenever red tide warning occurs in the municipal waters of Matnog.

The taskforce shall be headed by the Municipal Mayor as chairperson, together with the Chief of Police and the Municipal Health Officer as vice chairperson and the Municipal Agriculturist, Director of the PIA, DILG Municipal Government Operations and the MFARMC representative as members.

Juag Lagoon is one of the areas in Sorsogon covered by BFAR National Red Tide Task Forc. It is necessary for the LGU to create and activate the Municipal Red Tide Control and Monitoring Task Force.

funds for its operation to meet its administrative requirements shall be allocated annually by the Municipal Government in the 20% Annual Development Plan. All the Sanggunian Barangays with registered fisherfolks shall likewise allocate annually the necessary funds for the operation of their respective barangay FARMCs, but in no case shall it be less than 25% of 1% of their National Tax Allocation (NTA).

**SECTION 40. FUNCTIONS OF THE MUNICIPAL FISHERIES AND AQUATIC RESOURCES MANAGEMENT COUNCIL** – As mandated in Section 74 of Republic Act No. 8550, the MFARMC shall exercise the following functions:

1. Assist in the preparation of the Municipal Fishery Development Plan and submit such to the Municipal Development Council.
2. Recommend the enactment, revision or amendment of the Municipal Fishery Ordinance to the Sanggunian Bayan through its committee on Fisheries.
3. Assist in the enforcement of fishery laws, rules and regulations in the municipal waters. Advise the Sanggunian Bayan on fisheries matter through its committee on fisheries; and
4. Perform such other functions, as may be assigned by the Sanggunian Bayan.

## **CHAPTER VI PROHIBITED ACTS and PENALTIES**

**SECTION 41. BAN ON THE USE OF AIR COMPRESSOR** – the use of air compressor, Self-Contained Underwater Breathing Apparatus (SCUBA), or any form of underwater fishing device in the municipal waters of Matnog shall be unlawful and shall subject the said apparatus to confiscation or impounding in favor of the Municipal Government. Discovery and possession of compressor and its accessories in any fishing vessel shall constitute a prima facie evidence that the same is being used for fishing in violation of this ordinance. Provided that SCUBA shall be allowed in rescue and retrieval operations, maintenance and evaluation of fish sanctuary, seagrass and coral reef assessment, and other government projects related to fisheries.

Provided, further that the use of SCUBA shall be allowed for a Sport/Leisure Diving, research and use of fishery development projects. Provided, finally that such SCUBA gear used for eco-tourism purposes shall secure a permit from the Municipal Mayor with the corresponding fee of Two Hundred (200.00) pesos. Violation of this section shall subject the offender to fine of not less than Two Thousand Five Hundred (2500.00) or imprisonment of not less than three months but not exceeding six (6) months, or both, at the discretion of the court.

**SECTION 42. UNAUTHORIZED FISHING OR ENGAGING IN UNAUTHORIZED FISHING ACTIVITIES** - No person shall exploit, occupy, produce, breed, culture, capture, or gather fish, fry or fingerlings of any fishery species or fishery products, or engage in fishery activity in the municipal waters without a lease agreement, license or permit as provided in Section 9 in relation to Sections 11, 15, 16, and 19 of this Ordinance. Provided, that fishing for daily food sustenance or for leisure which not for commercial, occupation or livelihood purposes may be allowed.

Engaging in fishing or other fisheries activities without the required lease agreement, license or Certificate of Harvest, or in violation of the terms and conditions of the license, permit or certificate of harvest shall subject the offender to a fine of one thousand five hundred (1,500.00) pesos, but not exceeding to two thousand five hundred (2,500.00) pesos, or imprisonment of not less than three (3) months but not exceeding to six (6) months, or both at the discretion of the court, without prejudice to confiscation of the fish corral, mussel/oyster bed, seaweed farm, fish cage, pearl farm or fish pen including the fishing vessel and/or paraphernalia in favor of the Municipal Government. The catch shall also be confiscated.

In case of violation of the terms and condition of the license, permit, or Certificate of Harvest, the same shall be revoked.

**SECTION 43. VIOLATION OF SECTION 24 HEREOF** – As provided under Section 23 of this municipal ordinance, transporting fish or fishery products from this municipality to their points of destination in the

**SECTION 44. UNREGISTERED MUNICIPAL FISHERFOLK IN VIOLATION OF SECTION 14 HEREOF –** It shall be unlawful for any person not listed in the registry of municipal fisherfolk to engage in any fishing activity in the municipal waters, as provided under Section 14 hereof. Any violation of the said section shall be penalized with a fine of Five Hundred (500.00) Pesos, without prejudice to confiscation of fish catch.

It shall be unlawful to any person not listed in the registry of municipal fisherfolk to engage in any commercial fishing activity in municipal water. Provided, that the offender shall be charged and penalized in accordance with Section 86(b) of the Code.

**SECTION 45. UNREGISTERED AND OR UNLICENSED FISHING VESSEL IN VIOLATION OF SECTION 18 HEREOF.** It shall be unlawful for unregistered and/or unlicensed fishing vessels to operate within the municipal waters of this municipality. Unregistered or unlicensed fishing vessel in violation of this ordinance shall be subject to impounding until such time that the same is registered and the fine of One Thousand Five Hundred (1,500.00) Pesos is paid at the Municipal Treasurer's Office without prejudice to confiscation of the fish catch. (when will the boat be released and where to impound)

It shall likewise be unlawful for any owner/operator for the fishing vessel to employ any unlicensed fish worker. Employing licensed fish worker shall subject the owner/operator of a fishing vessel to a fine of Five Hundred Pesos (500.00) for every month that each fish worker has been employed. Failure to pay the said fine shall be insufficient cause for the revocation of the fishing vessel's registration and license.

**SECTION 46. UNREGISTERED AND / OR UNLICENSED FISHING GEAR IN VIOLATION OF SECTION 19 HEREOF –** Violation of any of the pertinent provisions of Section 19 of this Ordinance shall subject the offender to a fine of not less two thousand five hundred Pesos (P2,500.00) or imprisonment of not less than three (3) months but not more than six (6) months, or fine and imprisonment at the discretion of the court, without prejudice to the revocation of the permit. Such fishing gear and the catch shall be confiscated in favor of the Municipal Government .

**SECTION 47. USE OF FISHING LIGHT ATTRACTOR –** Pursuant to section 44 of the Code, the use of fishing light attractor in municipal waters shall be regulated. Only fishing light attractors that meet the specifications and standards set by this ordinance, shall be used within the municipal waters of this municipality. The office of the Municipal Agriculturist shall formulate the guidelines for the use of fishing light attractor.

**SECTION 48. OTHER VIOLATIONS-** Unless otherwise provided in this ordinance , any person who commits any act or omission in violation of the prohibited acts enumerated herein and any violation of this Ordinance shall subject each offender to a fine of not less than One Thousand Five Hundred Pesos (P1,500.00) or imprisonment of not less than three (3) months but not exceeding six (6) months, or both fine and imprisonment at the discretion of the court, with prejudice to confiscation of such fishing gear, fishing vessel and paraphernalia in favor of the municipal government. The catch shall likewise be confiscated, and the permit or license shall be cancelled. Provided, that the owner/operator who violates this provision shall be subjected to the same penalties. If the owner/operator is a corporation, the penalty shall be imposed on the chief executive officer of the corporation. If the owner/operator is a partnership the penalty shall be imposed on the managing partner.

**SECTION 49. PROHIBITION AND PENALTIES UNDER THE PHILIPPINE FISHERYCODE OF 1998, AS AMENDED BY R.A. 10654 –** The following prohibited or unlawful acts committed in the territorial jurisdiction of this Local government Unit shall be sanctioned in accordance with the pertinent provisions of RA No. 8550 as amended by R.A. 10654, otherwise known as the Philippine Fisheries Code of 1998, as amended to wit.

1. Fishing with the use of and possession of explosives, noxious or poisonous substance and actual use of electrofishing devices shall be penalized in accordance with the provisions of Section 92 of the Code:

"Section 92 of RA 10654 Fishing through Explosives, Noxious or Poisonous Substance or

research, educational or scientific purposes only, the use of poisonous or noxious substances to eradicate predators to fishponds in accordance with scientific practices and without causing adverse environmental impact in neighboring waters and grounds shall not be construed as illegal fishing.”

2. Fishing with use of fine mesh net, as defined in this ordinance and the Code shall be penalized in accordance with Section 93 of the Code.

It shall be unlawful to engage in fishing using nets with mesh smaller than that which may be determined by the Department: Provided, that the prohibition in the use of the fine mesh net shall not apply to fry, blass, eels, elvers, tabios and alamang and other species that by their nature are small but already mature as identified in the implementing rules and regulations by the Department.

The discovery of a fine mesh net in a fishing vessel shall constitute prima facie evidence that the person or fishing vessel is engaged in fishing with use of fine mesh nets. Exceptions in Rule 93.1 of RA 10654, the use of fine mesh net shall be allowed through a specific gear license or permit granted for this purpose, only in the following circumstances:

1. If the net is used to catch:
  - a. Padas (Siganidae) bangus fry (hanos-chanos) sugpo fry (Penaecidae) bank fry (Mugillida) blass eels and elvers (Anguillidae) and such other immature species for culture purposes
  - b. Aquarium/ornamental animals, and
  - c. Other species already mature such as but not limited to alamang (*Acetes* spp), tabios (*Pandaca Pygmea*, sinarapan (*Mistichthys luzonensis*) dilis (*Engraulidae*) and snails (*Ampularai luzonica* and *Viviporooa* spp.)
2. In cases of ring nets, purse seines for sardines, mackerels and scades and bagnets wherein the mesh size is 1.9 centimeters (17) knots. Measured between two opposite knots of a full mesh when stretched: provided, however, that the operator is required to take measure that no juvenile will be caught.
3. Fishing with the use of active fishing gear, as defined in the Code and this Ordinance, shall be penalized in accordance with the provisions of Section 95 of the Code; Provided that “sagudsud”, a manual one-man power scissors net, may be allowed for humanitarian reason only during the season when marine waters are murky and turbid or between the months of June to January provided that the net material shall not be made of “puraw/abaca” netting or fine synthetic netting.
4. Gathering, possessing commercially transporting, selling, or exporting ordinary, precious, and semi-precious corals, whether raw or processed form, except for scientific purposes shall be penalized pursuant to Section 96 of the code.
5. Fishing with the use of gear or method that destroys coral reef, seagrass beds, and other fishery marine life habitat as may be determined by the DA. Muro-ami and any of its variations, and such similar gear or method that require diving, other physical or mechanical acts to pound the coral reefs and other habitat to entrap, gather, or catch fish and other fishery species are prohibited and shall be penalized in accordance with the provisions of the second paragraph of Section 97 of the Code.
6. Gathering, possessing, commercially transporting, selling or exporting coral sand, coral fragments, coral rocks, silica and any other substance which make up any marine habitat shall be penalized in accordance with the provisions of the last paragraph of Section 97 (b) of the Code.
7. Engaging in fishing with the use of super light or fishing light attractor, as defined in the Code and this Ordinance, shall be penalized in accordance with the provisions of Section 98 of the Code.
8. Converting mangroves into fishponds or for any purposes shall be penalized pursuant to Section 99 of the Code.
9. Fishing in declared fishery refuge and sanctuary shall be penalized pursuant to Section 101 of the Code.

Nature and Natural Resources (IUCN) as threatened and determined by the Department as such and as determined by the Department of Agriculture, shall be penalized in accordance with the provisions of Section 102 of the Code.

Provided, that the wounding, killing, taking or catching, selling, purchasing, possessing, transporting or exporting of whale sharks and manta rays shall be penalized in accordance with the provisions of DA Fisheries Administrative Order No. 193. Provided, further, that the Municipal government may establish a reward system which will provide incentives to any person who voluntarily turn-over to proper authorities accidentally caught rare, threatened or endangered species listed in the CITES and those determined by the DA.

11. Catching, gathering, capturing, or possessing mature milkfish or "sabalo" and other breeder or spawners of other fishery species as may be determined by the DA shall be penalized in accordance with the provisions of Section 103 of the Code. Provided, that catching of sabalo and other breeders or spawners for local breeding purpose may be allowed subject to the guidelines issued by the DA.
12. Committing act or omission considered as aquatic pollution, as defined in the Code and this Ordinance, shall be penalized in accordance with Section 107 of the Code.
13. Obstructing any defined migration paths of anadromous, catadromous, and other migratory species shall be penalized pursuant to Section 114 of the Code.
14. Obstructing the navigation or flow or ebb of tide in any stream, river, lake, or bay shall be penalized in accordance with Section 111 of the Code.

**SECTION 50. DISPOSITION OF FINES AND PROCEEDS FROM AUCTION OF CONFISCATED CATCH, FISHING VESSELS, FISHING GEARS AND PARAPHERNALIA** – The confiscated catch, fishing vessels, fishing gears, and fishing paraphernalia shall be disposed of through public auction, and the proceeds of which shall accrue to the General Fund.

All fines imposed by the municipal government under this ordinance shall be paid at the Office of the Municipal Treasurer and shall likewise accrue to the General Fund.

## **CHAPTER VII ADMINISTRATIVE PROVISIONS**

**SECTION 51. PERSONS AND DEPUTIES AUTHORIZED TO ENFORCE THIS ORDINANCE** – The Office of the Municipal Agriculturist, the Philippine National Police (PNP), the Philippine Coast Guard, PNP-Maritime Command, Fishery Law Enforcement Agencies, the Officer and members of the MFARMC, Deputized Bantay Dagat, and the Deputized Sanctuary Guards are hereby mandated and deputized to enforce this Ordinance. The members of the municipal fisherfolk organizations/cooperatives and the barangay officials, including the barangay tanods, are likewise authorized to enforce this ordinance. Provided, that they have undergone trainings on fishery law enforcement and deputized by the Municipal Mayor or BFAR.

**SECTION 52. CREATION OF AN INTEGRATED FISHERY LAW ENFORCEMENT TASK FORCE** – 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 an Integrated Fishery Law Enforcement Task Force to be composed of persons who shall be authorized to enforce this municipal fishery ordinance in the territorial jurisdiction of the municipality bordering municipal waters. For this purpose, a covenant or agreement creating the task force and defining its scope, objectives and responsibilities including the provisions of appropriate funds for its operation shall be pursued and entered into by the Municipal Mayor with the other concerned local chief executives, for and in behalf of their respective municipalities, within six (6) months after the approval of this ordinance. The Integrated Fisheries and Aquatic Resources Management Council (IFARMC) shall act as the coordinating body for the management of its resources.

imprisonment of not less than three (3) months but not exceeding six (6) months. The registration and license of the offenders fishing vessel or his business permit, as the case may be, shall be revoked.

## CHAPTER VIII

### MUNICIPAL ADJUDICATION BOARD (MAB) AND MUNICIPAL BOARD OF APPEALS (MBA)

#### SECTION 54. 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 :	SB Member Chairman, Committee on Agriculture Municipal Planning and Development Officer MFARMC Chairman Priest/Pastor
Secretariat :	OMA/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 55. 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 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 56. 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.

##### 56.1. FOR UNSETTLED GRIEVANCES:

**56.1.1** 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;

issue summons to the respondent directing the later 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 couns

**56.1.3.** 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;

**56.1.4** 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; 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;

**56.1.5** 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;

**56.1.6.** 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;

**56.1.7.** 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;

**55.1.8.** 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.

**55.1.9.** 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.

## **SECTION 57. FOR VIOLATIONS OF THE PROVISIONS OF THE ORDINANCE:**

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 Matnog and the offender expresses the willingness to admit his offense and pay the corresponding fines;

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;

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.

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;

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 58. 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:

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

## **SECTION 58. 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 59. 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 60.**

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 61. Accompanying Administrative Sanctions for Serious Violations**

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

- Confiscation of fishing gear;
- Impoundment of fishing vessel;
- Temporary suspension or permanent revocation of license or permit;
- Temporary or permanent ban from the availment of applicable duty and tax rebates;
- Inclusion in the IUU fishing vessel list;
- Denial of entry and other port services;
- Blacklisting; and
- 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 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 62. 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 63. 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 64. Citizen's Arrest**

For the purposes of enforcing the provisions of this Ordinance and its implementing rules and regulations, any citizen may arrest any person who violates or fails to comply with the provisions of this Ordinance, and its implementing rules and regulations and surrender the same to proper authorities for action.

**SECTION 65. ADMINISTRATIVE RESPONSIBILITY** - Any member of the Philippine National Police (PNP), Deputy Fish Warden, Law Enforcement Agents, Municipal or barangay officials who, with knowledge of a violation of this ordinance in his jurisdiction, fails or refuses to abate the same shall be dealt with severely in accordance with existing rules on administrative discipline.

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. 66. 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.

**SECTION 67. ADMINISTRATIVE RESPONSIBILITY** - Any member of the Philippine National Police (PNP), Deputy Fish Warden, Law Enforcement Agents, Municipal or barangay officials who, with knowledge of a violation of this ordinance in his jurisdiction, fails or refuses to abate the same shall be dealt

**SECTION 68. APPROPRIATION OF FUNDS** - The amount of One hundred Fifty Thousand pesos (P150,000.00), is hereby allocated annually for personal services, travel, legal assistance, training and seminars, miscellaneous expenses and other operating expenses relating to the implementation of this ordinance


**CHAPTER IX  
MISCELLANEOUS PROVISIONS**

**SECTION 69. SEPARABILITY CLAUSE** - If any portion or provision of this Ordinance is declared unconstitutional or invalid, the other portions or provisions hereof, which are not affected, shall continue in full force and effect.


**SECTION 70. REPEALING CLAUSE** - Any prior ordinance, resolution, rules and regulations or parts thereof which are inconsistent with this ordinance are hereby repealed or modified accordingly.

**SECTION 71. EFFECTIVITY** - This ordinance shall take effect 15 days upon its approval or publication for three (3) consecutive weeks in a newspaper of local circulation and after posting for minimum period of three (3) consecutive weeks at prominent or conspicuous places in the municipal hall.

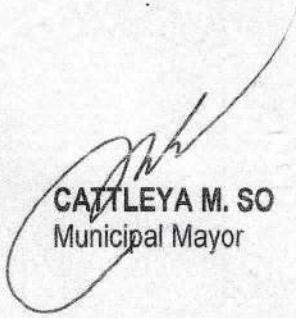
I hereby certify to the correctness of the foregoing.

  
**JOSEPHINE G. BAUTISTA**  
SB Secretary

**ATTESTED BY:**

  
**EMILIO G. UBALDO, III**  
Municipal Vice Mayor/ Presiding Officer

**APPROVED BY:**

  
**CATLEYA M. SO**  
Municipal Mayor

**Date Approved:** \_\_\_\_\_