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Republic of the Philippines
Province of Camarines Sur
MUNICIPALITY OF PASACAO

2-26-03

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OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF SPECIAL SESSION HELD AT SANGGUNIANG BAYAN SESSION HALL ON DECEMBER 11, 2002.

10:40

A. In

RESOLUTION NO. 125
Series of 2002

"IN SUPPORT OF MUNICIPAL ORDINANCE NO. 10 SERIES OF 2002"

WHEREAS, in the exercise of LGU's corporate and taxing powers as duly provided for under RA 7160 and other related laws, and pursuant to the Memorandum of Agreement with the Department of Transportation and Communication (DOTC) relative to the operation, management and maintenance of Pasacao Feeder Port as effected by DOTC Department Order No 2002-18 dated 15 April 2002, this August body decided to enact an ordinance which shall govern the operation, management and maintenance of Pasacao Feeder Port and the creation of Port Management Unit (PMU) of Pasacao;

WHEREAS, per Memorandum of Agreement between the DOTC and the LGU of Pasacao signed on September 19, 2002, the LGU is mandated to create a Specific Port Management Office, provide an adequate and regular appropriation thereof for the day- to -day operation and management of the port, and to establish port tariff for the use of the port and its facilities within the legislative powers of the LGU under the Local Government Code (RA 7160);

WHEREAS, in order to effectively carry out the government's objective of maximum utilization of government infrastructures and support personnel, this August Body unanimously decided to enact an ordinance to the effect;

NOW THEREFORE, upon motion of the Honorable Chairman, Committee on Public Works and Utilities, Councilor Marilyn H. Sotto and seconded unanimously by the members present, be it: -

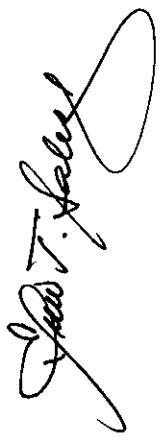
RESOLVED, as it is hereby resolved, to enact an Ordinance for the purpose.

MUNICIPAL ORDINANCE NO. 10
Series 2002

AN ORDINANCE CREATING THE PORT MANAGEMENT UNIT OF THE MUNICIPALITY OF PASACAO, DEFINING ITS POWERS, DUTIES AND FUNCTIONS, PROVIDING APPROPRIATION THEREFOR, AND FOR OTHER PURPOSES

Be it ordained by this Honorable Sangguniang Bayan in en banc session assembled, that:

SECTION 1. SHORT TITLE. - This Ordinance shall be known as the "CHARTER OF THE PORT MANAGEMENT UNIT OF PASACAO".



SECTION 2. STATEMENT OF POLICY - It is among the major concerns of the LGU to accelerate development and progress of the municipality through the promotion, establishment and growth of the municipal port to have an efficient, safe, economical and coordinated system for trading of fish and movement of vessels/boats, vehicles, goods and persons within the municipal port.

SECTION 3. RELATION TO PRIOR ORDINANCES. The provisions of this Ordinance which are substantially the same as existing ordinances relating to the same subject matter shall be construed as restatement and not new enactment, unless otherwise explicitly modified therein.

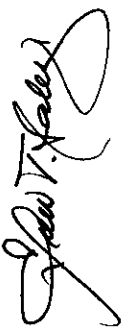
SECTION 4. EXISTING RIGHTS. Vested rights existing on the date of the effectivity of this Ordinance arising out of the contracts or any other source of obligation, shall be governed by the original terms and provisions of said contracts or the law or ordinance in force at the same time such rights become vested and in no case shall this Ordinance infringe on them.

SECTION 5. REFERENCE OF ORDINANCE. Whenever reference is made to any provision of this Ordinance, the reference applies to all its amendments and additions hereinafter made.

SECTION 6. EFFECT OF HEADINGS. The Section Headings do not in any manner affect the scope, meaning or intent of the provisions of this Ordinance.

SECTION 7. RULES OF CONSTRUCTION. In constructing the provisions of this Ordinance, the following rules of construction shall be observed unless inconsistent with the manifest intent of the provisions of this Ordinance.

- a) **General Rules**. All words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases and such other words in this Ordinance that have acquired a peculiar or appropriate meaning shall be construed and understood according to such technical, peculiar or appropriate meaning.
- b) **Gender and Number**. Every word in this Ordinance importing the masculine gender shall extend to both male and female. Every word importing the plural number shall apply to single person or thing and every word importing the singular number shall and apply several persons or things.
- c) **Person**. The word "Person" shall extend and be applied to business, corporation and voluntary association, as well as to individuals, unless plainly inapplicable.
- d) **Tenses**. The use of any verb in the present tense shall include the future when applicable. The words, "shall have been" include past and future cases, "shall" is mandatory and, "may" is permissive.
- e) **Reasonable Time or Notice**. In all cases where any provision of this Ordinance shall require any act to be done in a reasonable time or reasonable notice to be given, that reasonable time or reasonable notice shall mean such time only as may be necessary for the prompt performance of that duty or compliance with that notice.



- f) Conflicting Provisions of Sections. If the provisions of different sections conflict with each other, the provision of the section which is last in point of sequence shall prevail.

SECTION 8. CREATION OF THE PORT MANAGEMENT UNIT.

- There is hereby created a Local Government Unit (LGU) Economic Enterprise to be known as the Port Management Unit of Pasacao hereinafter referred to as the PMU.

The PMU shall be under the supervision of the Local Chief Executive of the municipality.

SECTION 9. TERRITORIAL JURISDICTION. - The territorial jurisdiction of the PMU shall include all land, seas, rivers and all navigable inland waterways within the municipality of Pasacao. For the purpose of determining the municipal port limit, the PMU shall cause the delineation and delimitation of the municipal waters as provided for under Republic Act 8550, otherwise known as the Philippine Fisheries Code of 1998.

SECTION 10. DEFINITION OF TERMS. - For purposes of this Code, the terms used herein shall, unless the context indicates otherwise, mean or be understood to mean, as follows:

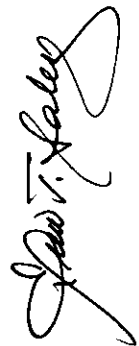
1. Anchorage - means a place with sufficient depth of water where vessels /boats anchor or may ride at anchor within the municipal port limit.
2. Batillo Services - The act of unloading of fish from a vessel/boat to a designated area within the municipal port.
3. Berthing - means the maneuvering of a vessel/boat from the anchorage or pilot station to a berth, including the action to make fast the vessel /boat alongside.
4. Delimitation - the determination of boundaries of municipal waters between adjacent or opposite municipalities where the delineation of their respective waters show that their respective municipal waters overlap.
5. Delineation - determination of the outer limits of the municipal water of the municipality
6. Disembarkation - the act of a passenger landing from a vessel/boat whose voyage or journey is terminated at the port of destination.
7. Embarkation - the act of a passenger boarding to a vessel/boat whose voyage or journey begins at the port of origin.
8. GRT - is the Gross Registered Tonnage of the vessel/boat, one (1) gross register ton is equivalent to one hundred (100) cubic feet or is equivalent to 2.8 cubic meter of permanently enclosed space.
9. Lay-Up Area - a designated area within the municipal port used by a vessel/boat as temporary berth or anchorage.
10. Navigable Waters - means all navigable portion of the seas, estuaries and inland waterways.



11. **Municipal Port Limit** –The territorial jurisdiction of the PMU shall include but not limited to all land, seas, rivers and all navigable inland waterways within the municipality.
12. **Pier** – means any structure built into the sea but not parallel to the coast and includes any stage, stair, landing place, landing stage, jetty, floating barge or pontoon, and any bridge or other works connected therewith.
13. **Port** – means a place where ships may anchor or tie up for the purpose of shelter, repair, loading/unloading of cargoes, or for other such activities connected with water-borne commerce, and including all the land and water areas and the structures, equipment and facilities related to these functions.
14. **Porterage** - shall refer to the carriage by manual handling and/or with the use of wheeled equipment like pushcarts of passenger's cargoes, pieces of baggage, luggage and personal belongings to/from the passengers' point of embarkation/disembarkation to/from the entrance/exit gates of the port premises.
15. **Port Facilities** - shall include wharves, piers, slips, docks, bulkheads, warehouses, cold storage, loading and unloading equipment, and passenger terminals and accessories.
16. **Revenue Tonnage** - Means 1,000 kilograms or 1.1326 cubic meters (40cubic feet.) whichever yields the greater amount of revenue.
17. **Storage** – An open or covered area designated by the PMU where cargoes are kept and secured.
18. **Usage Fee** – refers to the amount assessed against a vessel/boat engaged in domestic trade for berthing, for making fast to a vessel/boat so berthed or for mooring at an anchorage.
19. **Vessel/boat** – includes any ship, boat, watercraft or any artificial contrivance used as a means of transportation on water.
20. **Wharf** - means a continuous structure built parallel to the coastline or alongside riverbanks, to receive or discharge cargoes, embark or disembark passengers, or lie at rest.
21. **Wharfage** – refers to a charge on all cargoes whether containerized or not, loaded, unloaded or transshipped and utilizing the facilities of the municipal port on the basis of the total metric or revenue tonnage whichever is applicable.

SECTION 11. PURPOSES AND OBJECTIVES. – The PMU shall have the following purposes and objectives:

- a) Enhance and promote the transport and trading of fish/fishing industry through the establishment, utilization of the Municipal Port and other support facilities necessary for the efficient handling and distribution of fish and fishery products.
- b) Open avenues for additional employment opportunities as new fishery infrastructures and port related industries are established to help improve the income of small fishermen, fish farmers and fish workers.



- c) Enhance the flow of passengers, commerce and trade, passing through or utilizing the Municipal Port;
- d) Ensure a streamlined and coordinated planning, development, financing, construction, maintenance and operation of the municipal port and its facilities;
- e) Promote a comprehensive port development within the municipality which includes the utilization of the port's hinterland and tributary areas and the protection of the environment;
- f) Ensure the proper collection and accounting of all income and revenue accruing to the PMU and realization of a reasonable return on assets employed.

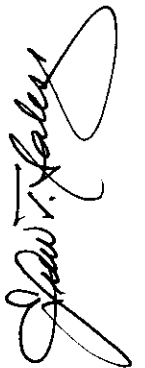
SECTION 12. ABBREVIATIONS. – The following abbreviations used in this Ordinance shall represent the terms indicated:

- 1. BFP – Bureau of Fire Protection
- 2. COA – Commission On Audit
- 3. DBM – Department of Budget and Management
- 4. DOTC – Department of Transportation and Communication
- 5. GRT - Gross Registered Tonnage
- 6. HRMO – Human Resource Management Officer
- 7. LCE – Local Chief Executive
- 8. LGU – Local Government Unit
- 9. MAO – Municipal Agriculture Officer
- 10. ME – Municipal Engineer
- 11. MOA – Memorandum of Agreement
- 12. MPDO – Municipal Planning and Development Office
- 13. NGA's – National Government Agencies
- 14. PCG – Philippine Coast Guard
- 15. PM – Port Manager
- 16. PMU – Port Management Unit
- 17. PNP – Philippine National Police
- 18. POS – Port Operations Specialist
- 19. PPA – Philippine Ports Authority
- 20. S B – Sangguniang Bayan



SECTION 13. POWERS OF THE PMU.—

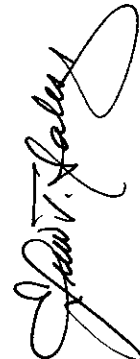
1. Prescribe policies and such rules and regulations as may be found necessary to promote or enhance the economic enterprise of the PMU subject to the approval of the LCE.
2. The PMU shall have police power within the port administered by it as maybe necessary to carry out its powers and functions and attain its purpose and objectives, without prejudice to the exercise of the functions of other law enforcement bodies within the area. Such police authority shall include the following:
 - a) To provide security to cargoes, port equipment, structures, facilities, personnel and documents;
 - b) To regulate entry to/exit from and movement of persons, cargoes, vehicles, and vessels/boats within the municipal port.
 - c) To maintain peace and order inside the municipal port, in coordination with local police authorities; and
 - d) To supervise private security agencies operating within the municipal port.
3. Adopt and use a Seal;
4. Enter into contract, transactions and undertaking of whatever nature which are necessary or incidental to its functions and objectives, with any natural or juridical persons or with any government institutions, domestic or foreign; subject to a SB resolution approved by the LCE and in consonance with other pertinent provisions of law;
5. Exercise the right to Eminent Domain as provided for under Ordinance No. 05 Series of 2002 and Chapter II, Section 19 of Republic Act 7160;
6. Exercise all other powers not contrary to law which may be necessary or incidental to the effectuation of its authorized purposes or the exercise of any of the foregoing powers, except the power to levy taxes or assessments and , in general, to exercise in connection with property within its control all powers which may be exercised by a natural or juridical person over its property and affairs;
7. Levy dues and impose rates and charges for the use of the premises, works, appliances, facilities, or for services provided by or belonging to the PMU or any other organization concerned with port operations as approved by the SB and LCE;
8. Make Expenditures for promotion of and affair of the economic enterprise of the PMU;
9. Exercise all the powers vested upon the PMU by the LCE provided that such powers are not contrary to law.
10. To determine functional units for the PMU.



SECTION 14. GOVERNING BODY. – The PMU shall be composed of the LCE as chairman; Port Manager as Vice Chairman; one representative from the ship/boat owners/operators and labor sector who shall be appointed by the LCE; and SB Chairman on Public Utilities as ex-officio member. For this purpose the two(2) representatives to be appointed by the LCE as members shall come from duly accredited association or cooperative.

SECTION 15. DUTIES AND FUNCTIONS OF THE PMU.

1. Promulgate and implement a comprehensive port development plan within the municipality in coordination with the Metro Naga Development Council and the Provincial Government of Camarines Sur,
2. Supervise, control, regulate, construct, maintain, operate and provide such facilities and services that are necessary in the municipal port.
3. License, control, regulate, supervise any construction or structure within the port in conformity with the interim MOA entered into by and between the DOTC and the LGU and any other MOA as may hereinafter be made and entered into.
4. Prescribe rules and regulations, procedures and guidelines governing the establishment, construction, maintenance and operation of the municipal port subject to LCE approval.
5. Provide services, whether on its own, by contract, or otherwise, within the municipal port and approaches thereof, including but not limited to berthing, slipping, or docking of any vessel/boat; loading or discharging any vessel/boat; sorting, weighing, measuring, warehousing within the municipal port, provided the same shall be in accordance with existing Rules and Regulation of COA
6. Exercise control of or administer any foreshore rights or leases which may be vested in the PMU from time to time.
7. Coordinate with the Land Management Bureau (DENR-LMB), Philippine Ports Authority, Public Estates Authority or any other government agency or corporation in the development of any foreshore area.
8. Provide and assist in the provision of training programs and training facilities for its staff, or staff of port operators and users, for the efficient discharge of its functions, duties and responsibilities in coordination with the HRMO; and,
9. Perform or provide such other services as may be necessary to carry out its objectives, including the adoption of necessary measures to remedy congestion in the municipal port and in coordination with the Philippine Ports Authority in the case of the port of entry.



SECTION 16. HONORARIUM AND ALLOWANCE – All duly designated officers and personnel of the PMU shall be provided traveling allowances and honorarium in accordance with COA rules and regulations.

SECTION 17. PROHIBITION AGAINST CONFLICT OF INTEREST – No personnel or officer of the PMU, LGU, and other line agencies of government exercising official functions in the municipal port shall be financially interested, directly or indirectly, in any contract entered into by the PMU or in any special privilege granted by it. Violation of this prohibition shall constitute a ground for administrative cases/ dismissal/termination from service.

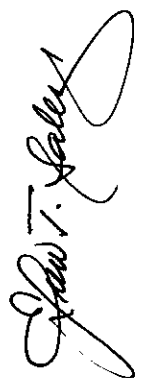
SECTION 18. PORT ADMINISTRATION – The management of the day to day business and operations of the PMU shall be under the direction and control of the Port Manager . The Port Manager shall have the position and rank of Port Manager C. The Port Manager shall be deemed regular employee of the LGU pursuant to pertinent Civil Service Rules and Regulations. He shall have the following powers and duties:

- a) Enforce rules and regulations promulgated by the PMU
- b) Manage, administer, operate, maintain, improve and develop, coordinate and otherwise govern all the activities of the municipal port within its territorial jurisdiction.
- c) Investigate, prepare, adopt, implement and execute a comprehensive and orderly plan for the overall development of the municipal port within its territorial jurisdiction, and to update such plans, as may be warranted from time to time;
- d) Raise revenue for the PMU through fees, tolls, charges, rentals and the like for the use of any property, equipment or facility owned or controlled by it;
- e) Raise and administer, together with such revenues as may accrue to the PMU, capital outlays by means of loans from any local or foreign financial institutions to finance its projects, subject to the approval of the SB, LCE and the DOTC.
- f) Determine by survey and establish by engineering design the exact location, system and character of any and all port facilities which it may own, construct, establish, effectuate, operate or control;
- g) Provide and maintain port facilities including accessory buildings and installations within its territorial jurisdiction on its own or through the private sector.
- h) Prescribe and enforce rules and regulations for the use of wharves, piers and anchorage by vessel/boat and other watercraft, subject to LCE approval.

SECTION 19. CHARGES ON VESSELS/BOAT.

1) **USAGE FEE** – Vessels/boat engaged in domestic trade that berth or drop anchor at the municipal port shall be charged a port USAGE FEE, as follows:

- A) For small passenger and fishing vessels/motorboats:



	Effective 2003	Effective 2004	Effective 2005
Below 3 GRT (per calendar day or fraction thereof)	P 10.00	P 11.00	P 12.00
3-6 GRT (per calendar day or fraction thereof)	P 20.00	P 22.00	P 24.00

B) For other passenger fishing and marine vessels/motorboats:

	Effective 2003	Effective 2004	Effective 2005
6 to 100 GRT (per calendar day or fraction thereof)	P 51.00	P 56.00	P 61.00
Over 100 GRT (per GRT per calendar day or fraction thereof)	P 0.50	P 0.55	P 0.60

1.1. Subject to the charge – The following are subject to the payment of usage fee:

- (i) Vessels/boats loading or discharging cargo, or embarking/disembarking of passenger;
- (ii) Vessels/boats at anchorage or at berth for the purpose of bunkering, taking provision/supplies, repair or changing members of the crew;
- (iii) Private non-commercial watercrafts;

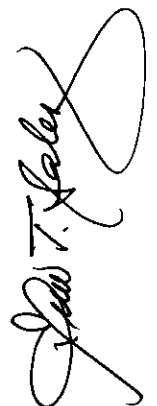
1.2. Assessment of Usage Fee

- (i) a fraction of one day is counted as one (1) whole day in the assessment of usage fee;
- (ii) the time spent by vessel/boat engaged in domestic trade waiting for berth shall not be subject to payment of usage fee while at anchorage area provided that no loading/unloading of cargoes is undertaken thereat. The assessment of usage fee shall start from the time vessel is moored up to the time that it is unmoored.

2) LAY-UP FEE. - Vessels/boats engaged in domestic trade authorized to temporarily berth and anchor at any port are charged a LAY UP FEE corresponding to one half (1/2) of the applicable USAGE FEE, as follows:

A) For small passenger and fishing vessel/motorboat:

	Effective 2003	Effective 2004	Effective 2005
Below 3 GRT(per calendar day or fraction thereof)	P 5.00	P 5.50	P 6.00
3-6 GRT (per calendar day or fraction thereof)	P 10.00	P 11.00	P 12.00



B) Other passenger and fishing marine vessel/motrboat:

	Effective 2003	Effective 2004	Effective 2005
6 – 100 GRT(per calendar day or fraction thereof)	P 25.50	P 28.00	30.50
Over 100 GRT(per GRT per Calendar day or fraction thereof)	P 0.25	P 0.30	P 0.35

2.1. Subject to the charge – The following are subject to the payment of Lay-up Fee:

- (i) Vessels/boat engaged in domestic trade which are authorized by the PMU to temporarily lay-up and anchor at any designated place at the municipal port; and
- (ii) Laid-up vessels/boats which have been decommissioned and idle while waiting for better business prospects for their operations.

2.2. Assessment of Lay-up Fee

- (i) a fraction of one day is counted as one (1) whole day in the assessment of Lay-up fee;

2.3 Lay-up Area

- (i) The lay-up area shall be designated by the PMU. In no case shall any person use any area for the purpose of Lay-Up other than designated.

SECTION 20. CHARGES ON CARGOES. –

1) WHARFAGE – Owners of all non-containerized domestic cargoes other than fish shall be charged WHARFAGE for utilizing the facilities as they enter or leave a municipal port on the basis of their total revenue or metric tonnage rounded off to the nearest ton, as follows;

	Effective 2003	Effective 2004	Effective 2005
Cargoes in Sacks/Bags/Bulk Uncrated Live Animals/steel Products, Logs and Lumber/ Heavy Lift Per Metric Ton	P 50.00	P 55.00	P 60.00
Other commodities Per Revenue Ton	P 40.00	P 44.00	P 48.00

PROVIDED, that the minimum charge shall be five pesos (5.00)

2) STORAGE FEE – Owners of cargoes that remain in a wharf, pier or quay owned or operated by the PMU beyond the “free storage period,” shall be charged STORAGE FEE. The storage area shall be designated by the PMU. In no case shall any person use any area for storage other than that designated.

a) For Domestic Cargoes Entering the municipal port

1 calendar day prior to the day that the carrying vessel/boat is schedule to arrive as announced and approved by the PMU.



- b) For Domestic Cargoes Discharged at the municipal port 1 calendar day after the day that the last item of cargo is unloaded from the carrying vessel/boat.
- c) For Domestic cargoes that are "Shutout" (not loaded on their scheduled vessel) 1 calendar day after vessel's/boats departure

PROVIDED that if the cargo is not loaded as scheduled, the resulting fee shall be paid for by whoever is at fault.

The STORAGE FEE for non-containerized cargoes shall be determined on the basis of the number of calendar days that the cargo stays in port after the "free storage period" and the total revenue tonnage of domestic cargo shall be as follows:

Effective 2003	P 100.00 per revenue ton per day
Effective 2004	P 110.00 per revenue ton per day
Effective 2005	P 120.00 per revenue ton per day.

The PMU shall have the power to adjust or suspend the "free storage period" on the municipal port declared by it as congested.

3) FISH UNLOADING FEE – Owners of all fish cargoes shall be charged FISH UNLOADING FEE for utilizing the facilities as they are unloaded at the municipal port on the basis of their total metric ton rounded off to the nearest ton.

	Effective 2003	Effective 2004	Effective 2005
Fish in tubs, styrofoam and other packaging Per metric ton	P200.00	P220.00	P242.00

SECTION 21. CHARGES ON PASSENGER.

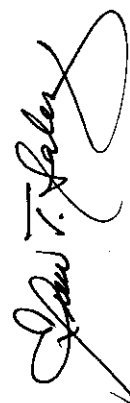
- a) TERMINAL FEE – Every passenger utilizing the facilities for embarkation from the municipal port to a vessel/boat shall be charged a TERMINAL FEE of two pesos(P2.00) per person. The fee shall be on account of the passenger concerned.

SECTION 22. AUCTION/TRADING FEE – Every fish broker who engages in the trading of fish within the designated auction/trading area of the municipal port shall be subject to a charge a port AUCTION/TRADING FEE of:

Effective 2003	P 100.00/per metric ton
Effective 2004	P 110.00/per metric ton
Effective 2005	P 120.00/ per metric ton

SECTION 23. RENTAL FEES FOR STORAGE AND AUCTION AREAS. – Monthly rental fees are hereby fixed in accordance with the following schedule:

Cold Storage Areas	P 7.00 per square meter per day
Designated Auction Areas	P 7.00 per square meter per day
Designated Open Areas (space)	P3.50 per squared meter per day



Provided, that before an applicant could occupy an area, he shall be required to pay a goodwill money in the amount of P 20,000.00 which is non refundable. In case he/she stopped/ceased operation or no longer occupy the area and desire to re-occupy an area after a certain period, he/she will be treated as new applicant.

SECTION 24. ENTRANCE FEE – every vehicle or land conveyance entering the premises of the PMU for the purpose of trade shall be charged a port ENTRANCE FEE as follows:

<u>PER ENTRY</u>	Effective 2003	Effective 2004	Effective 2005
Tricycles (three wheelers)	P 2.00	P 2.50	P 3.00
Jeepney/Sedan (four wheelers)	P 10.00	P 11.00	P 12.10
Six wheelers	P 15.00	P 16.50	P 18.00
Ten wheelers	P 20.00	P 22.00	P 24.00

SECTION 25. PARKING FEE - Every vehicle or land conveyance utilizing the designated parking area within the premises of the PMU shall be charged a PARKING FEE as follows:

<u>PER HOUR RATE</u>	Effective 2003	Effective 2004	Effective 2005
Tricycles (three wheelers)	P 1.00	P 1.50	P 2.00
Jeepney/Sedan (four wheelers)	P 5.00	P 5.50	P 6.00
Six wheelers	P 7.50	P 8.00	P 9.00
Ten wheelers	P 10.00	P 11.00	P 12.00

A fraction of an hour is counted as one(1) hour in the assessment of parking fee.

SECTION 26. ACCREDITATION FEE – Every person whether natural or juridical engaged in trade within the PMU shall file an application for accreditation to the PMU and pay the corresponding annual ACCREDITATION FEE as stated hereunder:

A. RESIDENT FISH BROKER ACCREDITATION	
Class A (above 20 tubs)	P 1,800.00
Class B (below 20 tubs)	P 1,350.00
B. NON-RESIDENT FISH BROKER ACCREDITATION	
Class A(20 tubs and above)	P 1,350.00
Class B(below 20 tubs)	P 1,012.50
C. FISH WORKERS (BATILLO) ACCREDITATION	
	P 500.00



D. PORT WORKERS (PORTERAGE)
ACCREDITATION

P 500.00

For purpose of this ordinance, FISH BROKER shall mean a person who engages in the trading of fish at the auction area of the municipal port, acting as middle man between the fish supplier and the fish buyer.

SECTION 27. PERMIT AND REGULATORY FEES – Ancillary service operators using port facilities shall pay a REGULATORY FEE in the amount of P300.00. The Port Ancillary Services are as follows:

- a. **Bunkering** – The business of supplying and delivering oil, gasoline, grease, lubricant and other oil products and material to vessels, ships, tugboats and other seagoing crafts.
- b. **Cargo/Passenger Checking Service.** – The business of providing services of tallying by marks, countermarks and numbers, quantity, conditions of cargoes/passengers.
- c. **Fish Buyer** – a person who regularly engages in the business of buying fish from the broker in the Auction Area of the Municipal Port for resale to various markets of the municipality and provinces.
- d. **Fish Hauler** – The business of handling fish and fishery products by the use of push cart from the landing point to the auction area or vice versa
- e. **Fish Supplier** – a person who owns or operates any fishing boat/ vessel, fishpen or one who sells fish to the broker within the municipal port.
- f. **Ice Dealer** – The business of supplying ice to vessels/boats, ships and other sea going crafts docked at the piers, wharves and anchorage.
- g. **Security Service** – The business of providing security, protection and safety to cargoes and board vessels/boats at berth or anchorage or at a warehouse, building or other areas within the port.
- h. **Water Supplier** – The business of supplying fresh water to vessels, ships and other sea going crafts docked at the piers, wharves and anchorage.
- i. **Water Taxi or Bote-Bote** – the business of ferrying ship's crew/agents/provisions and passengers to and from a vessel at berth or anchorage by means of a small vessel or craft
- j. **Other Services** – This refers to services which are not listed herein but may be classified by the PMU in future regulations.

No person shall engage in any port ancillary services without a permit from the PMU. Persons Applying for the permit shall comply with the requirements as prescribed by the PMU.



SECTION 28. QUARANTINE INSPECTION FEE – All owners of animals shall be charged a QUARANTINE ISNPECTION FEE as they are loaded within the municipal port of Pasacao as follows:

Livestock (cattle, carabao, horse)	P30.00 per head
Swine, sheep, goat and other (below 50 kl.)	10.00 per head
small animals (Above 50 kl.)	15.00 per head
Poultry and fowl	0.50 per kilo

SECTION 29. AUXILIARY INVOICES All owners of fish and fishery products shall be charged of an Inspection Fee and be issued a corresponding AUXILIARY INVOICE by the LGU or its duly authorized representative prior to the transport of said fish and fishery products from their point of origin (Municipality of Pasacao) to their point of destination in the Philippines and or for export.

Fresh Fish in tubs, Styrofoam And other packaging	P 100.00 per metric ton
Dried and Smoked fish	P 0.25 per kilogram

SECTION 30. OTHER DUES, FEES AND CHARGES –

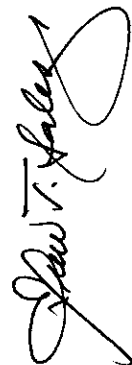
- a) The PMU may impose, fix, prescribe, increase or decrease such rates, charges or fees for the use of port premises, works, appliances or equipment belonging to or operated by the PMU or by any private organization within the municipal port, subject to the approval of the SB and LCE.

THE PMU SHALL SHARE FROM ALL CONTRACTS ENTERED INTO BY AND BETWEEN THE PMU AND ALL CARGO-HANDLING CONTRACTORS AND PORT RELATED SERVICE OPERATORS, WHICH SHALL BE AT A RATE NOT LESS THAN 10% TAKEN FROM THEIR GROSS INCOME FROM SUCH SERVICES

- b) All dues, fees charges and other sums imposed and collected by the PMU shall accrue to the PMU and shall be disposed of in accordance with the provisions of this Ordinance and in accordance with Rules and Regulations of COA.

SECTION 31. EXEMPTIONS FROM PORT CHARGES. –

- a) All vessels/boats and vehicles of the Armed Forces of the Philippines and those owned by other government agencies used exclusively for training purposes are exempted from the payment of Port Charges.
- b) Vessels/boats in distress or seeking shelter from inclement weather or entering the port for medical help, maritime necessity, and other humanitarian reasons shall be exempted from the payment of all vessel charges.
- c) Whenever any vessel/boat is stopped by the PMU from loading/unloading cargo to avoid congestion on the piers or wharves or for other justifiable causes, such vessel shall be exempted from the payment of usage fee during the period of such suspension.



- d) Mailbags and packages of the Philippine Postal Corporation shall not be subject to wharfage.
- e) Exemption of the National Power Corporation (NAPOCOR) from Usage, Berthing and Other Port Charges.

SECTION 32. COLLECTION OF TAXES, FEES, AND CHARGES

– For the purpose of collection of taxes, fees and charges, the provisions of Sections 248, 249, 250, 251, 252, and 256 of the Revised Revenue Code of 2002 shall be applied.

SECTION 33. CIVIL REMEDIES – The Provisions of Sections 257, 258, 259 and 260 are hereby adopted.

SECTION 34. SHARE OF THE BARANGAY IN THE REVENUE OF THE PMU – Barangay San Cirilo and Sta. Rosa del Sur shall have an equitable share in the gross revenue derived by the PMU from the management and operation of the municipal port.

- a) Amount of share - Barangay San Cirilo and Sta Rosa del Sur shall have a share of 20% of the collection derived by the PMU from charges on cargoes particularly Fish Unloading Fee. 80% CC
20% BK
- b) Remittance - The share of Barangay San Cirilo and Sta Rosa del Sur from the revenue derived from Section 20(3) of this Ordinance shall be directly remitted to their respective barangay treasurer within five (5) days after the end of each quarter without the need for demand.
- c) Utilization of Share – The proceeds of the share of Barangay San Cirilo and Sta Rosa del Sur pursuant to this Section shall be appropriated by their respective Sangguniang Barangay to finance the delivery of basic services; provided that 70% of the proceeds shall be applied solely for coastal clean up of all areas within their respective barangays.

SECTION 35. PORT OPERATIONS – The LCE shall appoint Port Operations Specialist (POS) under the direct supervision and control of the Port Manager. The POS shall be deemed regular employee of the LGU pursuant to pertinent Civil Service rules and regulations. The duties and functions of the POS shall be prescribed by the PMU subject to the limitation as provided in this Ordinance and shall also be subject to the approval of the LCE.

SECTION 36. PORT SAFETY AND SECURITY -

- a) Port Safety shall be the primary responsibility of the Municipal Fire Marshal. He shall assign and authorize a responsible personnel of the BFP who shall ensure public safety within the port and be responsible for the enforcement of ordinances and existing laws, rules and regulations related to his functions.
- b) Port Security shall be the primary responsibility of the Local Chief of Police (PNP). He shall assign and authorize a responsible personnel, who shall maintain peace and order within the port and be responsible for the enforcement of ordinances and existing laws, rules and regulations related to his functions and recommend to the LCE for the deputization of police aid, as maybe necessary to carry out its functions.

John T. Salas

SECTION 37. PORT STATISTICS— Data gathering and other activities related to the port statistics shall be the primary responsibility of the MPDC. He shall designate a Port Statistician who shall be responsible in the collection, collation and processing of port data as prescribed by the PMU.

SECTION 38. PORT ENGINEERING AND MAINTENANCE -Port infrastructure planning, development, construction and maintenance, shall be the primary responsibility of the Municipal Engineer.

SECTION 39. ENVIRONMENTAL PROTECTION – Marine environmental protection within the Municipal Port shall be the primary responsibility of the Philippine Coast Guard. For purpose of coordination and policy direction, the PMU shall enter into a Memorandum of Agreement effecting the same.

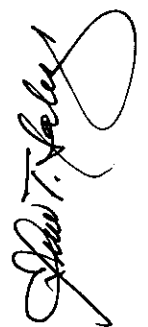
SECTION 40. QUARANTINE SERVICE- Quarantine Service and enforcement of existing laws and ordinances related thereto shall be under the supervision of the Municipal Agriculture Officer(MAO). The MAO shall assign and authorize a responsible officer for the purpose and shall designate a quarantine area and corral for animals including but not limited to cattle, livestock, poultry and fowls. No person shall use any area as animal corral other than that designated.

SECTION 41. PORTERAGE AND BATILLO SERVICES. – The PMU shall formulate the guidelines on Portorage and Batillo Services. To ensure industrial peace within the municipal port, the existing accredited association/cooperative shall have the preference for the permit to operate provided the same shall comply with the provision of this ordinance and other applicable rules and regulations as may hereinafter be issued and approved. The PMU shall permit only one association/cooperative for portorage service and one association/cooperative for batillo service within the Municipal Port

SECTION 42. PORT CONTROL - For purpose of port control and coordination, the BFP, PNP, MPDC, ME and MAO shall be under the direct control and supervision of the PMU. The PMU shall prescribe the duties and functions of the line agencies performing functions in the municipal port. The PMU shall conduct a monthly coordinating conference to ensure an efficient, effective and safe operation and management of the municipal port. A copy of the minutes of conference shall be furnished the LCE and SB.

SECTION 43. PORT COORDINATION WITH PHILIPPINE PORTS AUTHORITY AND OTHER NATIONAL GOVERNMENT AGENCIES. –In order to effect a smooth flow in the conduct of water borne commerce and other port related activities, the PMU shall enter into a Memorandum of Agreement with the Philippine Ports Authority (PPA), Philippine Coast Guard (PCG), Maritime Industry Authority (MARINA), PNP Maritime Group and other National Government Agencies (NGA's) related to the purpose.

SECTION 44. SPECIAL AUTHORITY – The LCE is may authorized to delegate to the Port Manager under such terms and conditions as it may be deem proper, the power to represent the PMU to enter into an agreement with national government agencies pursuant to the provision of this ordinance including the power to represent the PMU/LGU in any case or action filed before a court of competent jurisdiction and the power to investigate and prosecute, in behalf of the PMU and the LGU.



SECTION 45. ANNUAL PERFORMANCE EVALUATION OF THE PMU

The guidelines for evaluation and monitoring of the PMU shall conform with the approved LGU Performance Evaluation System by the Civil Service Commission. A copy of the annual report shall be submitted by the committee to the governing body on or before the 20th day of December of each year, and shall be furnished the Office of the Sangguniang Bayan.

SECTION 46. IMPLEMENTING RULES AND REGULATIONS -

The PMU shall formulate the implementing rules and regulations within ninety (90) days upon approval of this ordinance. The IRR upon approval of the LCE shall be furnished the Sangguniang Bayan for information and records purpose.

SECTION 47. INTERIM BUDGET - The LCE shall recommend to the Municipal Development Council to appropriate fund from the Annual Investment Program for the Municipal Port Development Fund. The LCE is further authorized to appropriate fund from any available sources for the purpose of this ordinance.

SECTION 48. ANNUAL BUDGET - The annual budget of the PMU shall be submitted to the Local Chief Executive on or before July 15 of each year as provided for under Sec. 317 of RA 7160.

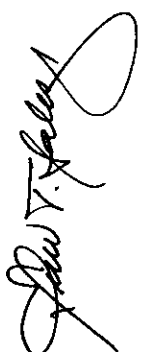
SECTION 49. ANNUAL REPORT - An annual report of the PMU shall be submitted to the LCE copy furnished the SB within sixty days after the close of each fiscal year.

SECTION 50. PENALTY CLAUSE - For violation of the provisions of this ordinance, including regulations, amendments thereto, shall be penalized by an administrative fine of not more than two thousand five hundred pesos (P2,500.00) or an imprisonment of not more than 30 days at the discretion of the court.

For the purpose of providing administrative fines, all applicable provisions of Municipal Ordinance No. 09, series of 2002 shall apply, except Section 10 (provision for trust fund).

A separate trust fund for the PMU shall be established were all income derived from its imposition shall be deposited and shall be exclusively used for the promotion and activities of the PMU.

SECTION 51. SEPARABILITY CLAUSE - If for any reason any section or part of this Ordinance is declared unconstitutional or invalid by competent judicial authority, the declared or invalid section or part thereof shall not affect the other sections or parts to which such declaration of nullity does not apply or relate.



SECTION 52. REPEALING CLAUSE. - This ordinance repeals Municipal Ordinance No. 07-92 particularly Section 89-96 (Wharfage/Dockage Fee). All other ordinances, laws and issuance which are inconsistent with the provisions of this ordinance are hereby repealed and/or modified accordingly.

SECTION 53. EFFECTIVITY CLAUSE. - This Ordinance shall become effective fifteen (15) days after publication in any newspaper of general circulation.

ENACTED this 11th day of December, 2002.

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WE HEREBY CERTIFY TO THE CORRECTNESS of the foregoing Ordinance.

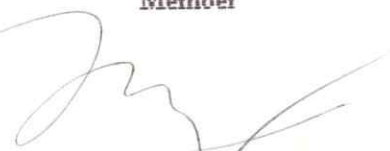

MA. HELENA A. TOLENTINO
Member


ROMMEL L. O. REYES
Member


EDGARDO B. TAYCO
Member

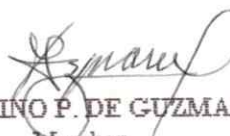

NONITO M. TOLENTINO
Member


MAKILYN H. SOTTO
Member


JOSE B. SACRAMENTO
Member


ELMER L. DE LA ROSA
Member


ANTONIO J. RAMOS
Member

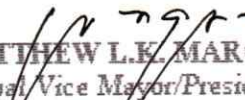

WELHELMINO P. DE GUZMAN (ABC)
Member


PATRICIA KAY L.O. SACRAMENTO (SKF)
Member

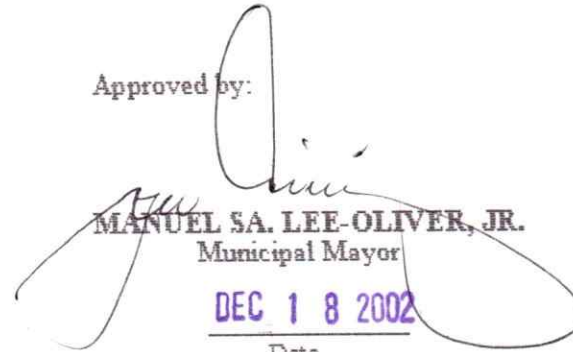

EFREN T. SALES
Sangguniang Bayan Secretary



Attested by:


MATTHEW L.K. MARQUEZ
Municipal Vice Mayor/Presiding Officer

Approved by:


MANUEL S.A. LEE-OLIVER, JR.
Municipal Mayor

DEC 18 2002

Date