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EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE HONORABLE SANGGUNIANG BAYAN OF PASACAO, CAMARINES SUR HELD AT ITS SESSION HALL ON NOVEMBER 26, 2007.

Present:

- Hon. Vice Mayor Edgardo B. Tayco -Presiding Officer
- Hon. Coun. Niño A. Tayco - do -
- Hon. Coun. Jeff Lindsey C. Lee Oliver - do -
- Hon. Coun. Nonito M. Tolentino - do -
- Hon. Coun. Mariano R. Parco, Jr. - do -
- Hon. Coun. Virginia O. Obordo - do -
- Hon. Coun. Randolph L.O. Reyes - do -
- Hon. Coun. Junard Joel M. de Alday - do -
- Hon. Coun. Honorio C. Flora, Jr. - do -
- Hon. Coun. Welhelmino P. De Guzman (ABC) - do -

Absent:

- Hon. Coun. Patricia Kara L.O. Sacramento (SKF)
- x-x-x-x-x-x-x- -x-x-x-x-x-x-x-



MUNICIPAL ORDINANCE NO. 02
SERIES OF 2007

" AN ORDINANCE AMENDING CERTAIN SECTIONS OF MUNICIPAL ORDINANCE NO. 03, SERIES OF 2005, AN ORDINANCE PROVIDING FOR THE DEVELOPMENT, CONSERVATION, AND MANAGEMENT OF THE FISHERIES AND AQUATIC RESOURCES IN THE MUNICIPALITY OF PASACAO, CAMARINES SUR, AND FOR OTHER PURPOSES OTHERWISE KNOWN AS PASACAO FISHERIES ORDINANCE OF 2005 "

Author: Hon. Coun. Honorio C. Flora, Jr
Vice Chairman, Committee on Rules
& Privileges

BE IT ORDAINED by the Honorable Sangguniang Bayan of Pasacao, Camarines Sur, that:

SECTION 1. AMENDATORY PROVISION.

Article XIII Prohibited Acts and Penalties under Sections 61(a)(b), 63, 64, 66, 67, 68, 70, 72, 73, 80, 81, 82, 85, 88, 90 and 92 and 106 are hereby amended to read as follows:

xxxx Section 61 (a). - Fishing in Municipal Waters without a Municipal Fishing License. - Fine of Two Thousand Five Hundred Pesos (P 2,500.00) for each of the offender including the owner/operator or an imprisonment of six (6) months or both such fine and imprisonment at the discretion of the Court, including automatic confiscation of catch.

In case of partnership or corporation, penalty for owner/operator shall be charged to the Operations Manager or Chief Executive Officer (CEO) of the firm ~~xxxx~~

-p.t.o-

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xxxx **Section 61 (b). - Engaging in Commercial Fishing in Municipal Water without a License.**- Each of the offender including the owner/operator shall be liable for a fine of Two Thousand Five Hundred Pesos (P 2,500.00) or an imprisonment of six (6) months or both such fine and imprisonment at the discretion of the Court, including the automatic confiscation of catch. In case of corporation or partnership penalty for owner/operator shall be charged to operations manager or Chief Executive Officer or CEO of the firm or company. xxxx

xxxx **Section 63. - Fishing by a Person Not Registered with the Municipal Registry-** It shall be unlawful for any person who is not registered with the Registry of Municipal Fisherfolk of Pasacao, Camarines Sur to engage in any fishing activity within the Municipal Waters. A person who violates this provision shall be liable for a fine of Two Thousand Five Hundred Pesos (P 2,500.00) or an imprisonment of six (6) months or both such fines and imprisonment at the discretion of the Court, including the automatic confiscation of catch. xxxx

xxxx **Section 64.- Fishing Within Municipal Waters by a Vessel not Registered in the Registry of Fishing Vessels.** It shall be unlawful for any fishing vessel which is not registered in the Registry of Fishing Vessels of Pasacao, Camarines Sur to engage in any kind of fishing activity in the municipal waters of the municipality. The three highest officers and the Owner or Chief Executive Officer (CEO) in case of partnership or corporation, of the vessel that violates the provision shall be liable for a fine of Two Thousand Five Hundred Pesos (P 2,500.00) or imprisonment of six (6) months or both such fine and imprisonment at the discretion of the Court. xxxx

xxxx **Section 66- Commercial Fishing Within Municipal Waters Outside the Integrated Fishing Zone** - It shall be unlawful for a commercial fishing vessel, even though in possession of a valid commercial fishing license of the municipality, to engage in fishing activity outside the Integrated Fishing Zone. A vessel found outside of the Integrated Zone with its fishing gear deployed shall be conclusively presumed to have engaged in fishing outside of its designated zone. Each of the three (3) highest officers and the owner or Chief Executive Officer (CEO) in case of partnership or corporation, of the vessel that violates this provision shall be liable for a fine of Two Thousand Five Hundred Pesos (P 2,500.00) and / or an imprisonment of six (6) months or both such fine and imprisonment at the discretion of the Court, including the automatic confiscation of the catch. xxxx

xxxx **Section 67. - Fishing in Prohibited Areas or During Closed Season.** It shall be unlawful for any person, whether or not possessing a valid fishing license, to engage in fishing in any fish refuge / sanctuary within the Municipal Waters, or during closed season. A person who violates this provision shall be liable for a fine of Two Thousand Five Hundred Pesos (P 2,500.00) or an imprisonment for a period of six (6) moths or both such fine and imprisonment at the discretion of the Court. xxxx

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xxxx Section 68. - Violation of Temporary Ban or Closure. It shall be unlawful for any person, whether or not possessing a valid fishing license, to engage in any fishing activity in violation of a temporary ban or closure duly declared by the Municipal Mayor in accordance with Sections 14,15,16 and 17 hereof. A person who violates this provision shall be liable for a fine of Two Thousand Five Hundred Pesos (P 2,500.00) or an imprisonment of six (6) months or both such fine and imprisonment at the discretion of the court. xxxx

xxxx Section 69. - Taking of Prohibited Species - It shall be unlawful for any person to take, or have in his possession any of the fish or aquatic species enumerated in Annex "B" hereof. Anyone who violates this provision shall be liable for a fine of Two Thousand Five Hundred Pesos (2,500.00) or an imprisonment of six (6) months or both such fine and imprisonment at the discretion of the Court, including the automatic confiscation of fish. xxxx

xxxx Section 70. - Use of Active Gear Within Municipal Waters- It shall be unlawful for any person or vessel to use active gear within the Municipal Waters. Violation of this provision shall render an individual fisherman liable for a fine of Two Thousand Five Hundred Pesos (P 2,500.00) or an imprisonment of six (6) months or both such fine and imprisonment at the discretion of the Court. The three highest officers and owner/operator of a fishing vessel used in the commission of this offense shall individually liable for the same penalty. xxxx

xxxx Section 71. - Use of Fine Mesh or Any Other Prohibited Net.- It shall be unlawful for any person to use a net with a mesh size less than that prescribed by the DA-BFAR for certain types of fishing, or as part of any net used in any of the prohibited fishing methods listed in Section 73. Violation of this provision shall render the offender liable for a fine of One Thousand Pesos (P 1,000.00) and / or imprisonment for three (3) months to six (6) months. xxxx

xxxx Section 72. - Unlawful sale or possession of illegally caught fish - It shall be unlawful for any person to possess or engage in trade of any fish that have been caught in any manner in violation of this Ordinance. Such person shall be liable for a fine of Five Hundred Pesos (P 500.00) or an imprisonment of six (6) months or both at the discretion of the Court, including the automatic confiscation of the fish or fishery products. xxxx

xxxx Section 73. - Construction of Fish Pens, Cages, and Traps in Prohibited Areas - It shall be unlawful for any person, whether or not in possession of a valid fishing license, to construct fish pens, cages, or traps in any of the lakes of the municipality, or in a manner which obstructs safe and convenient navigation, the flow and ebb of tides, or the migration paths of fish and aquatic species. Violation of this provision shall render the offender liable for a fine in the amount of One Thousand Pesos (P 1,000.00) or an imprisonment of not more than six (6) months and/or both fine and imprisonment at the discretion of the Court. xxxx

xxxx Section 80. - Illegal Cutting or Cleaning of Mangroves - It shall be unlawful for any person, natural or juridical to cut or clear any mangrove areas for the purpose of turning the same into fishponds or for any other purpose.

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Violation of this provision shall render the offender liable a fine of Two Thousand Five Hundred Pesos (P 2,500.00) or an imprisonment of six (6) months or both such fine and imprisonment at the discretion of the Court. **XXXX**

Provided, that no permit fee shall be required for air compressor, SCUBA and other form of underwater breathing devices if the same be used for educational purposes or underwater clean up activities or if the same is used in saving lives and properties. Provided, however, that no permit for the use of compressor, SCUBA, or any form of underwater breathing device in the municipal waters for fishing purposes. Violation of this provision shall subject each offender to a fine of Two Thousand Five Hundred Pesos (P 2,500.00) or an imprisonment of six (6) months or both fine and imprisonment at the discretion of the Court. **XXXX**

XXXX Section 82. - Unauthorized fishing and destruction of "Boya" system - It shall be unlawful to any person, natural or juridical, to conduct any fishing activity within fifty (50) meters distance from any "Boya" system without the consent of owner. It is likewise unlawful to any person to destroy/distract or in any manner damage or cause to damage any "boya" system in the municipality without the permission of the owner.

Violation of this provision shall subject the offender to a fine of Two Thousand Five Hundred (P2,500.00) Pesos or an imprisonment of six (6) months or both fine and imprisonment at the discretion of the Court, including the turning over to the original owner of the catch or sales thereof and repair or reinstallation of the damaged "boya". **XXXX**

XXXX Section 85. - Construction/Installation of Unauthorized Structures in Municipal Waters. - It shall be unlawful for any person, whether natural or juridical, to construct or in any manner install any structure in any of the areas of the municipal waters of Pasacao, Camarines Sur without a license or permit.

Violation of this provision shall render the offender a fine of Two Thousand Five Hundred (P 2,500.00) Pesos or an imprisonment of six (6) months or both fine and imprisonment at the discretion of the Court. In the case of corporation, association or partnership the penalty hereof shall be charged to the Operations Manager or Chief Executive Officer (CEO) of the firm or company. **XXXX**

XXXX Section 88. - Gathering, Selling and Exporting of White Sand Silica, Pebbles and Other Substances. - It shall be uniawlful to possess, gather or sell and export white sand, silica, pebbles and other substances, which make up any marine habitat. Each of the violators of this section shall be penalized by a fine of Two Thousand Five Hundred (P 2,500.00) Pesos or an imprisonment of six (6) months or both fine and imprisonment at the discretion of the Court. **XXXX**

XXXX Section 89. - Fishing or Taking of Rare, Threatened Or Endangered Species . - It shall be unlawful to fish or take care, threatened species as listed in the CITES and as determined by appropriate agencies. Violators of this section shall be penalized of a fine of Two Thousand Five Hundred Pesos or an imprisonment of six (6) months or both fine and imprisonment at the discretion of the Court. **XXXX**

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-p.t.o-

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xxxx Section 90. - Other Provision . - Violation of any section of this ordinance which are not specifically stated in this article, each of the offender shall be punished with a fine of Two Thousand Five Hundred (P 2,500.00) or an imprisonment of six (6) months or both fine and imprisonment at the discretion of the Court, without prejudice to any administrative sanctions that maybe imposed upon the offender and the indemnity of the loss and damages resulted by the commission of the crime. **xxxx**

xxxx Section 91. - Obstruction of Bantay Dagat and Other Fishery Law Enforcers .- It shall be unlawful for any person to obstruct, hinder, or prevent the performance of duty by any accredited member of the Bantay Dagat and other fishery law enforcers as provided herein.

Violation of this provision shall render the offender for a fine of Two Thousand Five Hundred (P 2,500.00) Pesos or an imprisonment at the discretion of the Court. **xxxx**

**ARTICLE XVI
FINANCIAL SUPPORT**

xxxx Section 106. - Appropriation. - The amount of Two Hundred Thousand Pesos (P 200,000.00) is hereby appropriated for the purpose of immediate implementation of this ordinance chargeable against the Local Development Fund (LDF) under the Annual Implementation Plan (AIP) of the municipality of the same account. Thereafter the appropriations for implementing this ordinance shall be a regular item in the annual appropriations of the municipality. **xxxx**

xxxx Section 2. - EFFECTIVITY. - This Ordinance shall take effect upon its approval and after publication in a newspaper of local circulation. **xxxx**

ENACTED AND APPROVED: NOVEMBER 26, 2007

[Signature]
NINO A. TAYCO
Municipal Councilor

[Signature]
JEFF LINDSEY L. OLIVER
Municipal Councilor

[Signature]
NONIZO M. TOLENTINO
Municipal Councilor

[Signature]
MARIANO R. PARCO, JR
Municipal Councilor

[Signature]
VIRGINIA O. OBORDO
Municipal Councilor

[Signature]
RANDOLPH L.O. REYES
Municipal Councilor

[Signature]
JUNARD JOEL DE ALDAY
Municipal Councilor

[Signature]
HONORIO C. FLORA, JR
Municipal Councilor

[Signature]
WELHELMINO P. DE GUZMAN (ABC)
Municipal Councilor

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I HEREBY CERTIFY TO THE CORRECTNESS of the foregoing Ordinance.

[Signature]
EFREN T. SALES
Municipal (SB) Secretary

ATTESTED:

[Signature]
EDGARDO B. TAYCO
Municipal Vice Mayor &
Presiding Officer

APPROVED:

[Signature]
ASUNCION V. ARCEÑO
Municipal Mayor
12/18/07
Date

