

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF CARDONA, RIZAL, HELD ON 07 JULY 2005 HELD AT THE SESSION HALL ON THE THIRD FLOOR OF THE MUNICIPAL BUILDING.

PRESENT:

HON. RAUL C. HIMBING	-	Municipal Councilor/
HON. VIRGILIO ARR. RIVERA	-	Municipal Councilor
HON. OPHER F. STA. MARIA	-	Municipal Councilor
HON. FELIX A. ARRIOLA	-	Municipal Councilor Acting Presiding Officer
HON. ARMANDO F. FRANCISCO	-	Municipal Councilor
HON. GARRY R. SALAMAT	-	Municipal Councilor
HON. RUBEN P. OCAMPO	-	Municipal Councilor
HON. CRISPO F. JULIAN	-	Municipal Councilor
HON. JESUS R. FRANCISCO, JR.	-	Ex-Officio (PPSK President)

ABSENT

HON. MA. FE SJ. PASTORAL	-	Municipal Vice-Mayor
HON. EDGARDO P. GONDRANEOS	-	Officio (ABC President)

MUNICIPAL ORDINANCE NO. 05-21

“AN ORDINANCE GOVERNING THE DEVELOPMENT, MANAGEMENT AND CONSERVATION OF THE FISHERIES AND AQUATIC RESOURCES OF CARDONA, RIZAL AND FOR OTHER PURPOSES.”

Author: Hon. Felix A. Arriola
Sponsor: Raul C. Himbing

WHEREAS, the Municipal Government of Cardona, Rizal is responsible for the development, management, conservation, protection, utilization and disposition of all fish and fishery/aquatic resources within its municipal waters;

WHEREAS, Article I, Section 16 of R.A. No. 8550, otherwise known as The Philippine Fisheries Code of 1998, authorizes the municipal government to enact its fisheries ordinance;

WHEREAS; it is the policy of the municipal government to provide equal opportunity to its constituents in the use of its fishery and aquatic resources;

NOW THEREFORE, be it enacted by the Sangguniang Bayan of Cardona, Rizal in session that:

ARTICLE I

SECTION 1. TITLE: This ordinance shall be known as “The Cardona Municipal Fishery Code of 2003.

ARTICLE II

POLICY, SCOPE AND DEFINITION OF TERMS

SECTION 2. DECLARATION OF POLICY. It is the policy of the Municipal Government to provide opportunity to its constituents in the use of its fisheries and aquatic resources notwithstanding the economic status of its constituents and also to advance and protect the interest of marginal fisherman through balance and sound management of its fisheries and aquatic resources.

SECTION 3. SCOPE AND APPLICATION. This ordinance shall cover all aspects of management and conservation of the fisheries and aquatic resources of Cardona, Rizal within its municipal territorial waters as defined in Section 131 R of R.A. 7160, including its foreshore land, rivers and streams and as provided for in R.A. 8550.

SECTION 4. BOUNDARIES. The municipal territorial waters are bounded on the west by the town of Binangonan, east by the towns of Morong, Baras, Tanay Pililla and Jalajala.

SECTION 5. DEFINITION OF TERMS. The following words and phrases shall mean:

- a. **Aquaculture-** fishery operations involving all forms of raising and culturing fish and other fishery species in river and lakes and other areas.
- b. **BFAR-** Bureau of Fisheries and Aquatic Resources.
- c. **Catch Ceilings-** refer to the annual catch limits allowed to be taken, gathered or harvested fro any fishing area in consideration of the need to prevent over fishing and harmful depletion of breeding stocks of aquatic organisms.
- d. **Closed Season-** the period during which the taking of specified fishery species by a specified fishing gear is prohibited in a specified area or areas in Municipal waters.
- e. **Commercial Fishing-** the taking of fishery species by passive or active gear for trade, business or profit beyond subsistence or sports fishing.
- f. **DENR-** Department of Environment and Natural Resources.
- g. **DA-** Department of Agriculture.
- h. **Fish Cage-** refers to an enclosure which is either stationary or floating make-up of nets or screens sewn or fastened together and installed in the water with opening at the surface or covered and held in a place by wooden/bamboo posts or various types of anchors thereof.

- i. **Fisheries Business**- refers to all activities relating to the act of business of fishing, culturing, preserving, processing, marketing, developing, conserving and managing aquatic resources thereof.
- j. **Fish Pen**- an artificial enclosure constructed within a body of water for the culture of fish and fisheries/aquatic resources. It is made up of poles closely arranged in an enclosure with wooden materials, screen or nylon netting to prevent escape of fish.
- k. **Fish Refuge and Sanctuary** – a designated area where fishing or other forms of activities which may damage the ecosystem of the area is prohibited and human access may be restricted.
- l. **Fish Vessels** – vessel made of wood, fiberglass or other materials used in fishing.
- m. **Fish worker** – a person 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, 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.
- n. **Fisher folk** – people directly or personally and physically engage in taking and/or culture and processing fishery and/or aquatic resources.
- o. **Fisher folk Cooperative** – a duly registered association of fisher folk with a common bond of interest, who have voluntarily joined together to achieve a lawful common social or economic end, making equitable contribution to the capital requirement and accepting a fair share of the risks and benefits of the undertakings in accordance with universally accepted cooperative principles.
- p. **Fisher folk Organization** – an organized group, association, federation, alliance or an institution of fisher folk which has at least fifteen (15) members, a set of officers, a constitution and by-laws, an organizational structure and a program of action.
- q. **Fishery Reserve** – a designated area where activities are regulated and set aside for educational and research purposes.
- r. **Lake** – an inland body of water, an expanded part of a river, a reservoir formed by a dam, or a lake basin intermittently or formerly covered by water.
- s. **LLDA** – Laguna Lake Development Authority.
- t. **Municipal Fisher folk** – persons who are directly or indirectly engaged in municipal fishing and other related fishing activities.
- u. **MFARMC** – Municipal Fisheries and Aquatic Resources Management Council.
- v. **Task Force Law** – Task Force created by the Mayor to implement the municipal fisheries and aquatic ordinance.

ARTICLE III

GRANTING OF PERMIT FOR THE OPERATION OF FISH PENS, CORRALS, CAGES AND OTHER SIMILAR CONSTRUCTIONS INCLUDING KANGKONGAN FARMS

SECTION 6. FISHING GROUNDS AND FISH PENS. As prescribed by law and this ordinance the open fishing grounds shall be one thousand (1,000) meter from the shoreline during summer and from there towards the lake shall commence the fish pen belt.

SECTION 7. MARGINAL FISHERMAN'S AREA. This area shall be two hundred (200) meters from the shore towards the lake and where marginal fisherman can catch fish especially during rainy season. Fishing activities which may damage the ecosystem of the area are strictly prohibited and shall be penalized according to Section 24 hereof.

SECTION 8. FISH CAGES, CORRALS AND OTHER SIMILAR CONSTRUCTIONS INCLUDING KANGKONGAN FARMS. Fish cages, corrals and other similar constructions including kangkongang farms are allowed only starting from two hundred (200) meters from the shore towards the lake.

Each Kangkong planter shall only be allowed to plant a maximum area of 10,000 square meters (one hectare). In case of adjuscent kangkongang farms, they shall provide a twenty (20) meter passageway towards the open lake for the use of fishermen.

SECTION 9. FISHERY PERMITS. The Municipality shall have the authority to grant the following fishery permits within its Municipal waters.

- a. To erect fish corrals, cages, pens and other similar construction including kangkongang farms.
- b. Grant permit to gather, take or catch fish or any species by nets or other allowable fishery gears.

SECTION 10. GUIDELINES IN THE GRANTING OF PERMIT/LICENSE TO OPERATE FISH PENS, CAGES, CORRALS AND OTHER SIMILAR CONSTRUCTION INCLUDING KANGKONGAN FARMS. The following guidelines are to be followed in the granting of permit/license to operators:

- a. Permit/license shall be granted preferably to bonafide fisherman or businessman from Cardona, Rizal
- b. Application Must be submitted to the office of the Municipal Mayor for proper evaluation and verification. The following are the requirements:
 1. Application from property filled-up
 2. Community Tax Certificate
 3. Barangay Clearance
 4. Certification from MFARMC
- c. Upon approval of the application a one time registration fee shall be paid to the Municipal Treasurer or his/her authorized representative based on the following:
 1. For not more than Five thousand (5,000) Sq. m. (one half (1/2) hectare) P 300.00

2. For more than five thousand (5,000) sq. m (1/2 hectare) but not more than 10,000 sq. m. (one (1) hectare) P 600.00
 3. For fish pen with an area of more than One (1) hectare to five (5) hectares. P 1,200.00
- d. Existing fish pens, corrals, cages and similar construction including kangkongang farm, with permit from LLDA and not considered abandoned, shall be allowed to continue operation provided that items b & c stated in this section shall have been complied with.
- e. The MFARMC shall see to it that a thirty (30) meters passageway for every hectare of construction be established, except for fishpens which shall have 40 meters passageway to serve as right of way for fishermen.

SECTION 11. TRANSFER OF PERMIT. No transfer of permit to erect fish corrals, cages, pens and other similar construction including kangkongang farms, shall be valid unless there's a clearance from the Municipal Mayor or his duly authorized representative. Provided further, that the transferee shall pay a transfer fee of One Thousand Pesos (P1,000.00) to the Municipal Treasurer before the permit is awarded to him/her.

ARTICLE IV

MAYOR'S PERMIT FEE

SECTION 12. MAYOR'S PERMIT FEE. There is hereby imposed a permit fee for the following individuals, partnerships or corporation who are engage in the business of fishing or any business involving the municipality's aquatic resources including registration fee of fisherfolks:

	Per Annum
a. Fish corral (baklad/kulong and the like)	P 200.00
a.1. with mini cage	.50/sq. m.
b. Kangkongang	
1. With an area of Five Thousand (5,000) Sq. m. or less	500.00
2. With an area of more than Five Thousand (5,000) sq. m. up to one (1) hectare	1,000.00
c. With fish pen, cage (with a maximum area of not more than 5,000 sq. m. or half hectare)	0.20/sq. m
d. Registration Fee of fisherfolks and are required to have I.D.	50.00

SECTION 13. TIME AND MANNER OF PAYMENT. The Mayor's permit fee to engage in the business of fishing and business involving the aquatic resources shall be paid to the Municipal Treasurer or his/her duly authorized representative upon application and renewable within the first twenty (20) days of

January of each year. The initial payment corresponding to the current quarter shall be made upon application of the application of the license.

SECTION 14. SURCHARGE FOR LATE PAYMENT. Failure to pay the fee imposed herein within the prescribed period shall be subject to a surcharge of twenty percent (20%) of the total fee due.

ARTICLE V

FISHING VESSELS

SECTION 15. REGISTRATION OF VESSELS. All fishing vessels and other vessels, owned by the residents of Cardona, operating within its territorial waters must be duly registered in the municipality. Other vessels owned by non-residents operating within the territorial waters of the municipality must also be registered in their respective municipality of origin.

SECTION 16. REQUIREMENTS FOR REGISTRATION. The requirements for the registration of fishing vessels are the following:

- a. Proof of ownership (Purchase Receipt/Affidavit of Ownership/Deed of Sale).
- b. Certificate of tonnage issued by the Philippine Coast Guard.
- c. Identification of vessel (Registration Number).

SECTION 17. REGISTRATION FEE. Owners/operators of banca or vessels who are residents of this Municipality shall pay to the Municipal treasurer or his/her duly authorized representative a registration fee per annum in accordance with the following schedule;

a.	fishing vessels without motor	P	50.00
b.	Fishing vessels not more than one (1) ton profelled by a one (1) cylinder engine	P	100.00
c.	Fishing vessels more than one (1) ton but less than two (2) tons	P	200.00
d.	Fishing vessels more than two (2) but not more than three (3) tons	P	400.00
e.	Pituya	P	1,000.00
f.	Luxury Boat such as speed boat and the Like	P	500.00

Renewal of registration shall be on or before the 31st of January of each year

SECTION 18. SURCHARGE FOR LATE PAYMENT. Failure to pay the fee imposed in this article within the time required shall subject the owner/operator of vessel to a surcharge of twenty percent (20%) of the fee due.

SECTION 19. FAILURE TO REGISTER AFTER DUE NOTICE. Failure of the owner/operator to register the vessel after due notice shall be fined in the amount of Five Hundred Pesos (500.00). if he still fails to register after a second and final notice was given the vessel shall be impounded until such time that all the fees surcharges and fines have been complied with.

ARTICLE VI

PROHIBITIONS

SECTION 20. PROHIBITIONS.

- a. The following acts are strictly prohibited within the municipal territorial waters of Cardona, Rizal:
 1. Electro Fishing.
 2. Use of poisonous substance.
 3. Skylab. (suro like/pino na net)
 4. Kaladkad.
 5. Suro, Sakag, Trawl.
 6. Salisod, Pakipot, Paipit.
 7. Tibog/Bukbok.
 8. Use of fishing nets with hole of more than 7 cms. Or fine mess net.
 9. Illegal possession and catching of fingerlings.
 10. Other forms of fishing that destroy the aquatic resources or active gear.

- b. Acts that could pollute the lake, foreshoreland, river and streams.
 1. Dumping of wastes, harmful chemical substances and liquids.
 2. Dumping of garbage.
 3. The use of chemical spray on vegetables plant near the lake or foreshore land.

ARTICLE VII

MUNICIPAL FISHERIES AND AQUATIC RESOURCES MANAGEMENT COUNCILS (MFARMC)

SECTION 21. CREATION AND COMPOSITION OF THE MUNICIPAL FISHERIES AND AQUATIC RESOURCES MANAGEMENT COUNCIL (MFARMC). There is hereby created a Municipal Fisheries and Aquatic Resources Management Council hereinafter referred to as MFARMC as an advisory body to the municipality in the development of fishery and aquatic resources in the municipal waters. This shall be composed of the following:

- a. Chairperson – committee on Agriculture/Fishery of the Sangguniang Bayan.
- b. Municipal Planning and Development Officer.
- c. Representative of the Municipal Development Council.
- d. Ex-officio representative to the Liga ng mga Barangay.
- e. Representative from accredited non – governmental organization (NGO).
- f. Representative from the Municipal Agriculture Office.
- g. At least seven (7) fisherfolk representative – three (3) municipal fisherfolks, one (1) fishworker, one (1) commercial fisher, one (1) from youth and one (1) from women sector.

SECTION 22. FUNCTIONS OF MUNICIPAL FISHERIES AND AQUATIC RESOURCES MANAGEMENT COUNCIL (MFARMC). Its function shall be:

- a. Assist in the preparation of municipal fisheries and development plan that shall be submitted to the Municipal Development Council.
- b. Recommend for the enactment of fishery and aquatic ordinances to the Sangguniang Bayan.
- c. Assist in the enforcement of fisheries laws, rules and regulations in municipal waters.
- d. Perform such other functions as maybe assigned by the Municipal Mayor.

SECTION 23. CREATION OF TASK FORCE. The Municipal Mayor is hereby authorized to create Task Force Lawa to assist the municipality in the implementation of this ordinance.

ARTICLE VIII

PENAL PROVISIONS

SECTION 24. PENAL CLAUSE. Any violation of the provisions of this code not herein otherwise covered by a specific penalty, or of the rules and regulations promulgated under authority of this ordinance, shall be punished by a fine of not less than One Thousand Pesos (1,000.00) not more than Two Thousand Five Hundred Pesos (2,500.00) or imprisonment of not less than three (3) months nor more than six (6) months or both for every violation at the discretion of the court.

Fishing Gears and Fishing Vessels used in prohibited acts shall be confiscated. Fishing gears shall be destroyed any fishing vessels shall only be returned upon payment of penalty. Payment of fine/s or service of imprisonment as herein provided shall not relieve the offender from the payment of the delinquent fee or charge imposed under this ordinance.

If the violation is committed by a juridical entity, the President, General Manager or any person entrusted with the administration thereof at the time of the commission of the violation shall be held responsible or liable thereof.

ARTICLE IX

FINAL PROVISION

SECTION 25. REPEALING CLAUSE. All ordinances, rules and regulations, in conflict with or inconsistent with any provision of this ordinance are hereby repealed or modified accordingly.

SECTION 26. SEPARABILITY CLAUSE. If for any reason or reasons, any part or provision of this ordinance shall be held unconstitutional or valid, other parts or provisions hereof which are not affected hereby shall continue to be in full force and effect.

P. 9 / ORD 05-21

SECTION 27. EFFECTIVITY. This ordinance shall take effect upon approval.

ENACTED, on this 7th day of July 2005 in Cardona, Rizal.

CERTIFIED TRUE AND CORRECT:

IMELDA S. RAMOS
SB Secretary

ATTESTED:

FELIX A. ARRIOLA
Municipal Councilor/
Acting Presiding Officer

APPROVED:

GIL SJ. SAN JUAN
Municipal Mayor