

Republic of the Philippines  
PROVINCE OF NEGROS ORIENTAL  
CITY OF BAYAWAN  
Office of the City Sangguniang Panlungsod

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE CITY COUNCIL OF BAYAWAN, NEGROS ORIENTAL ON MAY 17, 2005 AT 2:00 O'CLOCK P. M. AT THE SP SESSION HALL.

PRESENT:

Hon. Rene G. Gaudiel	Vice Mayor, Presiding
Hon. Clayborne Clyde L. Lim	Councilor
Hon. Peter Paul F. Renacia	-do-
Hon. Rowena T. Cabanban	-do-
Hon. Francisco T. Diao	-do-
Hon. Douglas T. Tijing	-do-
Hon. Agustin L. Barte Jr.	-do-
Hon. Guillermo A. Diao	-do-
Hon. Antonio B. Villamil	-do-
Hon. Oscar T. Villamil	President, LNMB

ABSENT:

Hon. Novelito A. Herrero	(O.B. Tagbilaran)	Councilor
Hon. John T. Raymond Jr.	(On Leave)	-do-
Hon. Fredelyn T. Trayvilla	(On Leave)	SK Federated President

RESOLUTION NO. 235

“WHEREAS, the Philippine Constitution protects and advances the rights of the people to a balanced and healthy ecology;

“WHEREAS, the Local Government Code of 1991 has devolved the management of the municipal waters and its fisheries and aquatic resources to the City Government;

“WHEREAS, the Philippine Fisheries Code of 1998 mandates all coastal municipalities/cities to enact ordinances that will address the management, utilization, development and conservation of the municipal waters and its aquatic and fishery resources;

“WHEREAS, this Sangguniang Panlungsod is convinced of the need to enact a Comprehensive Coastal Resource Management Ordinance;

“WHEREFORE, on motion of Honorable Councilor Renacia and jointly seconded by Honorable Councilor Barte and Honorable Oscar T. Villamil, President of the Liga Ng Mga Barangay, the Council

“RESOLVED, to enact, as it is hereby enacts the following ordinance:

ORDINANCE NO. 20

A COMPREHENSIVE CITY ORDINANCE PROVIDING FOR THE MANAGEMENT, DEVELOPMENT, UTILIZATION AND CONSERVATION OF THE MUNICIPAL WATERS AND ITS FISHERIES AND AQUATIC RESOURCES, HARMONIZING AND INTEGRATING ALL ORDINANCES PERTINENT THERETO, AND FOR OTHER PURPOSES.

Be it ordained that:

**Section 1. Title**

This ordinance shall be known as the “**COMPREHENSIVE CITY COASTAL RESOURCE MANAGEMENT ORDINANCE OF 2005**”

## **Article 1. Declaration of Policy and Definition**

It is hereby declared the policy of the City to:

- (i) Promote conservation and ensure sustainable and equitable utilization of its coastal areas and resources in conformity with the Philippine Fisheries Code of 1998.
- (ii) Ensure, for the benefit and enjoyment of the people of Bayawan City the judicious and wise utilization, protection, conservation and management of its fisheries and aquatic resources.
- (iii) Protect the rights of the marginal fishermen through their preferential use of communal aquatic and fishery areas.
- (iv) Allow people's full and active participation in the conservation and management of the aquatic and fishery resources and promote awareness of sustainable fisheries through appropriate education and training.
- (v) Provide full support for sustainable fisheries in the municipal waters through appropriate technology and research, adequate financial, production and marketing assistance, and other services.
- (vi) Promote the active participation in the concept of a partnership between the private sector and the City Government in the management, development, conservation and protection of the aquatic and fishery resources of the City.
- (vii) Promote and adhere to the precautionary principle of conservation, management and exploitation of living aquatic and fishery resources in order to ensure the sustainable development of the coastal environment.

## **Section 2. Definition of Terms**

As used in this ordinance, the following terms and phrases shall mean as follows:

1. Aquaculture - fishery operations involving all forms of raising and culturing fish and fishery species in freshwater water, brackish and marine water areas.
2. Aquatic/Coastal Pollution - the introduction of substances by human or machine, directly or indirectly, to the coastal environment which results or likely to result in such deleterious effects as to harm living and non-living fishery and coastal resources; pose potential and/or real hazard to human health; hindrance to coastal activities such as fishing and navigation, including dumping/disposal of waste and other marine litter; discharge of petroleum or residual products of petroleum, and other radioactive, noxious or harmful liquid, gaseous or solid substances, from any water, land or other human-made structures; deforestation, unsound agricultural practices such as the use of banned chemicals and excessive use of chemicals, intensive use of artificial fish feed, and wetland conversion, which cause similar hazards and deleterious effect shall also constitute aquatic or coastal pollution.
3. Artificial Reefs - any structure of natural or man-made materials placed in a body of water to serve as habitat or shelter, source of food, aggregating device, breeding areas for fishery species.
4. 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 the municipal waters.
5. Coastal Area/Zone - is 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 seaward limit of 200 meters isobath to include coral reefs, algal flats, seagrass beds and other soft bottom areas.

6. Commercial Fishing - the taking of fishery species by passive or active gear for trade, business or profit beyond subsistence or sports fishing, to be further classified as:
  - a. Small-scale commercial fishing - fishing with passive or active gear utilizing fishing vessels of 3 gross tons (GT) up to 20 GT;
  - b. Medium-scale commercial fishing - fishing with passive or active gear utilizing fishing vessels of 20.1 gross tons (GT) 150 GT; and
  - c. Large-scale commercial fishing - fishing with passive or active gear utilizing fishing vessels of more than 150) GT.
7. Department – shall mean Department of Agriculture.
8. Endangered Species - species of animals and plants in danger of extinction as provided by existing fishery laws, rules and regulations or classified as such by the Convention on the International Trade of Endangered Species of Flora and Fauna (CITES).
9. CFARMC – shall mean City Fisheries and Aquatic Resources Management Council
10. Fine-Mesh Nets - all net-webbing whether made of natural fibers, synthetic or any other material used in fishing, with a mesh size of less than three (3) centimeters.
11. Fish and Fishery/Aquatic Products – include not only finfish but also mollusks, crustaceans, echinoderms, marine mammals, and all other products derived from aquatic resources in any form.
12. Fish Cage – refers to an enclosure which is either stationary or floating made up of nets or screen sewn or fastened together and installed in the water with opening at the surface or covered and held in place by wooden/bamboo posts or various anchors and floats.
13. Fish Corral - a stationary weir or trap devised to intercept and capture fish consisting of rows of bamboo stakes, plastic nets and other materials fenced with split bamboo mattings or wire 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.
14. Fish Fingerling- a stage in the life cycle of fish measuring to about 6-13 cm, depending on species.
15. Fish Fry- a stage at which a fish has just been hatched usually with sizes from 1-2.5 cm.
16. Fish Pen - an artificial enclosure constructed within a body of water for culturing fish and fishery/aquatic resources made up of bamboo poles closely arranged in an enclosure with either fine bamboo/or wooden materials, screen or nylon netting to prevent the escape of the enclosed organisms.
17. Fisherfolk- people directly or personally and physically engaged in taking and/or culturing and processing fishery and/or aquatic resources.
18. Fisherfolk Organization - an accredited organized group, association, federation, alliance or institution of fisherfolk which has at least 15 members, a set of officers, a constitution and by-laws, and having an organizational structure and programs of action.
19. Fishery License – a document that qualifies a person/cooperative/ partnership/ corporation to engage in any fishery activities in the municipal waters.

20. Fisheries – refers to all activities relating to the act or business of fishing, culturing, preserving, processing, marketing, developing, conserving and managing aquatic resources and the fishery areas, including the privilege to fish or take aquatic resources thereof.
21. Fishing - the taking of fishery species from their wild state or habitat, with or without the use of fishing vessels.
22. Fishing Gear - any instrument or device and its accessories utilized in taking fish and other fishery species. It can be either of the following:
  - a. Active Fishing Gear - fishing gear characterized by active movement and/or pursuit of the target species by towing, lifting, and pushing the gears, surrounding, covering, dredging, pumping and scaring the target species to impoundment or encirclements, such as but not limited, to trawl, purse seines, Danish seines, bag nets, push nets, harvesting machines, beach seines, pa-aling, drift gill net and tuna longline.
  - b. Passive Fishing Gear- is characterized by the absence of gear movement and/or the pursuit of the target species; such as but not limited to hook and line, fishpots, traps and gill nets across the path of the fish.
23. Fishing Vessel - any vessel, boat, ship or other watercraft equipped to be used for taking of fishery species or aiding or assisting one or more vessels in the performance of any activity relating to fishing, including but not limited to the preservation, supply, storage, refrigeration, transportation and/or processing.
24. Fishing with Explosives - 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 unconscious any fishery species. It also refers to the use of any substances and or device which causes an explosion that is capable of producing the said harmful effects on any fishery species and coastal resources, capable of damaging and altering the natural habitat.
25. Fishing with Noxious or Poisonous Products - the use of any substance, plants extracts or juice thereof, sodium cyanide and/or cyanide compounds or other chemicals either in a raw or processed form, harmful or harmless to human beings, which will kill, stupefy, disable or render unconscious any fisheries species and coastal resources and capable of damaging and altering the natural habitat.
26. Gratuitous Permit - a permit issued to marginal and subsistence municipal fisherfolk free of any charges.
27. Mangroves - a community of intertidal plants including all species of trees, shrubs, vines and herbs on coasts, swamps, or border of swamps.
28. Marine Protected Area - an area in the municipal waters that is established by an ordinance intended for rehabilitation and replenishment of fishery and coastal resources because of its ecological function as a spawning and/or feeding grounds for one or a group of marine species and is characterized by high productivity and/or high biodiversity.
29. Migratory Species - any fishery species which in the course of their life could travel from freshwater to marine waters or vice-versa, or any marine species which travel over great distances in marine waters. Anadromous species are marine fishes which migrate to freshwater areas to spawn. Catadromous species are freshwater fishes which migrate to marine areas to spawn.
30. Monitoring - for monitoring fisheries, this may include long-term observation of: 1.) fishing effort which can be expressed by the number of days or hours of fishing, number of fishing gears and number of municipal fishermen; 2.) characteristics of fishery

resources; and 3.) resource yields or catch.

31. **Municipal Fisherfolk** - persons who are directly or indirectly engaged in municipal fishing and other related fishing activities.
32. **Municipal Fishing** - refers to fishing using fishing vessels of three (3) gross tons or less or fishing not requiring the use of fishing vessels within the fifteen (15) kilometers from the shoreline.
33. **City** - refers to the City Government of Bayawan.
34. **Municipal Waters** - include not only streams, lakes, inland bodies of water and tidal waters within the municipality/city which are not the subject of private ownership and not included within the national parks, brackish water fishponds leased by the government, and national fishery reserves, refuge and sanctuaries but also marine waters included between two lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality/city touch the sea at low tide and a third line parallel with the general coastline including offshore islands and 15 kilometers from such coastline. Where two municipalities/cities are so situated on opposite shores such that there is less than thirty (30) kilometers of marine waters between them, the third line shall be a line equidistant from the opposite shores of the respective municipalities/cities.
35. **Non-Governmental Organization (NGO)** - refers to an agency, institution, a foundation or a group of persons whose purpose is to assist peoples' organizations/associations in various ways including, but not limited to, organizing, education, training, research and/or resource accessing.
36. **Overfished Area** - an area within the municipal waters which cannot sustain the fisheries. It can be due to any of the following types of overfishing: (i) too much harvesting in such a way that the mean size of fish captured is sub-optimal for providing effective yields from a fishery; (ii) intense fishing pressure by which the process of fishery restocking through reproduction and resettlement is impaired; (iii) shift in community structure from a fishery dominated by valuable species to one dominated by species of less economic value or utility; and (iv) when resource users faced with declining catches and lacking any other alternative, initiate wholesale resource destruction in their effort to maintain their incomes.
37. **People's Organization** - a bonafide and duly accredited association of citizens with demonstrated capacity to promote the public interest and with identifiable leadership, membership and structure. Its members belong to a sector/s in the community who voluntarily band themselves together to work for their own upliftment, development, and greater good.
38. **Permit** - a document issued to license holders before engaging in fishing using particular gear and/or boat or engage in any fisheries activities within the municipality
39. **Persons** - natural or juridical entities such as individuals, associations, partnerships, cooperatives or corporations.
40. **RA 8550** - Republic Act no. 8550, otherwise known as the Philippine Fisheries Code of 1998. It is the national law that governs the development, management and conservation of the fisheries resources of the country.
41. **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.
42. **Sustainable Development** - development that meets the need of the present generation without compromising the ability of future generations to meet their own needs.
43. **Auxiliary Invoice** - is the permit issued by the city government or its duly authorized representative for the transport of fish and fishery products from their point of origin to

their point of destination in the Philippines and/or export purposes, except those caught in violation of existing laws, declared as health hazards, and those transported and/or unloaded by Philippine Registered fishing vessels, upon payment of the necessary fee.

44. Auxiliary Fee - is the fee imposed by the city government or its duly authorized representative prior to the transporting of fish and fishery products, except those caught in violation of existing laws and those declared as health hazards upon payment of the necessary fee.

**Section 3. Application of its Provisions**

The provisions of this ordinance shall be enforced in all the municipal waters, as defined in this ordinance; its fisheries and aquatic resources; the fishery activities or businesses relating to the use, development, conservation and management of said resources.

**Article 2. Municipal Waters**

**Section 4. Jurisdiction of the City Government**

The City Government shall have jurisdiction over the municipal waters. The City Government shall be responsible for the management, conservation, development, protection, utilization and disposition of all coastal and fishery resources within the municipal waters. The city government, in consultation with the CFARMC, shall enact corresponding ordinances and issue executive orders thereon: Provided, That all ordinances enacted and executive orders issued by the City Government shall conform with the existing national and local laws and policies and shall not endanger the sustainability of the coastal and fishery resources or destroy the ecological balance; Provided, further, that the City Government, in coordination with the CFARMC and other concerned agencies and institutions, shall also enforce all fishery and environmental laws, rules and regulations as well as coastal and fishery resources-related ordinances enacted by the Sangguniang Panlungsod.

The municipal waters shall be delineated into the following zones: (See attached Zoning Map)

- Protected Area Zone
- Rehabilitation Zone
- Multiple Use Zone
- Eco-Tourism Zone
- Trade and Navigation Zone

Coordinates of Marker Buoy Positions			
<b>Bayawan – Sta. Catalina Boundary to Offshore Buoys</b>			
<b>Shoreline Point</b>	<b>Offshore shallow (w/o buoy)</b>	<b>Offshore middle (w/ buoy)</b>	<b>Offshore deep (w/ buoy)</b>
N 9° 20' 47.9" E 122° 49' 43.5"	N 9° 20' 23.7" E 122° 49' 21.8"	N 9° 19' 53.5" E 122° 48' 53.9"	N 9° 19' 34.2" E 122° 48' 20.7"
<b>Villareal – Tinago Boundary to Offshore Buoys</b>			
<b>Shoreline Point</b>	<b>Offshore shallow (w/o buoy)</b>	<b>Offshore middle (w/ buoy)</b>	<b>Offshore deep (w/ buoy)</b>
N 9° 21' 39.9" E 122° 48' 25.8"	N 9° 21' 7.9" E 122° 48' 20.9"	N 9° 20' 18.8" E 122° 48' 12.7"	N 9° 19' 59.1" E 122° 47' 45.6"

<b>Tinago – Boyco Boundary to Offshore Buoys</b>			
<b>Shoreline Point</b> N 9* 21' 43.5" E 122* 48' 4.4"	<b>Offshore shallow (w/o buoy)</b> N 9* 21' 11.3" E 122* 48' 7.5"	<b>Offshore middle (w/ buoy)</b> N 9* 20' 39.8" E 122* 48' 11.1"	<b>Offshore deep (w/ buoy)</b> N 9* 20' 24.7" E 122* 47' 46.5"
<b>Boyco – Suba Boundary to Offshore Buoys</b>			
<b>Shoreline Point</b> N 9* 21' 47.5* E 122* 47' 57.0	<b>Offshore shallow (w/o buoy)</b> N 9* 21' 15.2" E 122* 47' 55.5"	<b>Offshore middle (w/ buoy)</b> N 9* 20' 42.2" E 123* 47' 53.6"	<b>Offshore deep (w/ buoy)</b> N 9* 20' 9.8" E 122* 47' 48.4"
<b>Suba – Banga Boundary to Offshore Buoys</b>			
<b>Shoreline Point</b> N 9* 22' 12.6* E 122* 47' 59.6"	<b>Offshore shallow (w/o buoy)</b> N 9* 21' 46" E 122* 47' 41"	<b>Offshore middle (w/ buoy)</b> N 9* 20' 53.7" E 122* 47' 5.0"	<b>Offshore deep (w/ buoy)</b> N 9* 20' 29.7" E 122* 46' 49.4"
<b>Banga – Malabugas Boundary to Offshore Buoys</b>			
<b>Shoreline Point</b> N 9* 22' 5.0" E 122* 46' 45.7"	<b>Offshore shallow (w/o buoy)</b> N 9* 21' 45.7" E 122* 46' 23.6"	<b>Offshore middle (w/ buoy)</b> N 9* 21' 26.4" E 122* 46' 1.4"	<b>Offshore deep (w/ buoy)</b> N 9* 20' 55.5" E 122* 46' 7.8"
<b>Malabugas – Pagatban Boundary to Offshore Buoys</b>			
<b>Shoreline Point</b> N 9* 22' 9.3* E 122* 45' 8.1"	<b>Offshore shallow (w/o buoy)</b> N 9* 21' 37.4" E 122* 24' 52.7*	<b>Offshore middle (w/ buoy)</b> N 9* 21' 5.5" E 122* 44' 57.2	<b>Offshore deep (w/ buoy)</b> N 9* 20' 33.6" E 122* 44' 51.8*
<b>Bayawan – Basay Boundary to Offshore Buoys</b>			
<b>Shoreline Point</b> N 9* 22' 45.7" E 122* 43' 9.2"	<b>Offshore shallow (w/o buoy)</b> N 9* 22' 13.4" E 122* 43' 10.1"	<b>Offshore middle (w/ buoy)</b> N 9* 21' 41.3* E 122* 43' 19.9"	<b>Offshore deep (w/ buoy)</b> N 9* 21' 3.4" E 122* 43' 12.3"

**B. Municipal Water Delineation**

The municipal waters shall be delineated as prepared by the NAMRIA. (See attached map)

<b>Point</b>	<b>Latitude</b>	<b>Longitude</b>	<b>Remarks</b>
Beginning at 1	09° 20' 24"	122° 50' 00"	Coastal terminal point
Thence 2	09° 15' 43"	122° 46' 02"	
Thence 3	09° 15' 30"	122° 45' 36"	
Thence 4	09° 14' 05"	122° 44' 04"	
Thence 5	09° 14' 14"	122° 43' 25"	
Thence 6	09° 14' 22"	122° 42' 15"	
Thence 7	09° 19' 34"	122° 42' 49"	
Thence 8	09° 21' 54"	122° 42' 57"	
Thence 9	09° 22' 44"	122° 43' 11"	Coastal terminal point
Thence following the coastline to 1			

C. Policies and guidelines of Identified Zones of the Municipal Waters

Zones	Policies
Multiple Use Zone	<p><b>Bangus Fry Gathering</b>  Bangus fry gathering shall be done in accordance with Ordinance No. 3 Series of 2003 as adopted by the Sangguniang Panlalawigan in its Resolution No. 43, Series of 2004 provided that the association or cooperative in-charge of the management of bangus fry gathering activities shall be responsible for the coastal sanitation of the area designated to it and all fry other than bangus that will be caught should be returned to the sea; Provided further, that each member is allowed only one (1) trawl; Provided finally, that the members of the association or organization shall maintain the fry gathering zone in a way that it is kept open and free from any disturbance</p> <p><b>Fish Corral</b></p> <ul style="list-style-type: none"> <li>- Only fish corrals (bonsod/tangkop) should be constructed in the area</li> <li>- Each fish corral must be 200 meters from each other</li> <li>- The net (siguin) that will be used should have a mesh of not less than three (3) centimeters unless otherwise authorized by the BFAR</li> </ul> <p><b>Fishing Gears</b></p> <ul style="list-style-type: none"> <li>- All fishing gears should be registered with the local government</li> <li>- Only allowable passive gears are allowed in all fishing activities</li> <li>- Fishing with the use of electric-driven light is strictly prohibited</li> </ul> <p><b>Fish Trap (Bobo)</b></p> <ul style="list-style-type: none"> <li>- The number of fish traps should be regulated through the licensing system that limits the fishermen in each barangay</li> <li>- Each person is allowed only 3 fish traps with a maximum size of 2m x 3m x 1.5m</li> <li>- The mesh size of the fish trap should not be less than three (3) centimeters</li> <li>- Fish traps should not be installed near the lampirong marine reserves. The 100 meters buffer zone should be observed</li> </ul>
Protected Area Zone	<p><b>Marine Reserve (Lampirong Reserves)</b></p> <ul style="list-style-type: none"> <li>- Fishing and other human activities should be 100 meters away from the marine reserves</li> <li>- Only activities related to research studies are allowed inside the sanctuary. This however needs written approval from the city government or from the association in-charge in the management of the marine reserve.</li> <li>- Boats are not allowed to anchor within the area of the marine reserve</li> <li>- A sign or buoy will be installed indicating the area as protected.</li> </ul> <p><b>Artificial Reef</b></p> <ul style="list-style-type: none"> <li>- Only registered members of the Fishermen's Association</li> </ul>

	<p>(FA) are allowed to fish immediately outside the buffer zone of 100 meters</p> <ul style="list-style-type: none"> <li>- All existing artificial reefs (ARs) should be rehabilitated and maintained by the association</li> <li>- All ARs should be managed by the FA</li> </ul>
Rehabilitation Zone	<p><b>Mangroves</b></p> <ul style="list-style-type: none"> <li>- A census should be conducted to identify existing and potential mangrove areas.</li> <li>- Vacant as well as potential mangrove areas should be planted</li> <li>- Unauthorized persons are not allowed to enter the mangrove areas that are newly planted</li> <li>- Cutting of mangroves is prohibited</li> <li>- Throwing of garbage and other pollutants is strictly prohibited</li> </ul>
Eco-tourism Zone Including Foreshore Land Management	<ul style="list-style-type: none"> <li>- Quarrying of sand and gravel are strictly prohibited</li> <li>- Construction of illegal and permanent structures to develop the area is not allowed</li> <li>- Throwing of garbage is strictly prohibited</li> <li>- Operators/developers are required to secure the necessary clearances/permits depending on the appropriateness of the undertakings</li> <li>- Coastal clean-up and proper solid waste disposal should be observed</li> </ul>
Trade and Navigation Zone	<ul style="list-style-type: none"> <li>- Disposal of solid and liquid wastes by the commercial fishing passengers and cargo boats is strictly prohibited.</li> <li>- Navigation lights must be provided by the concerned agencies</li> <li>- Commercial fishing boats anchoring within the municipal waters should pay necessary fee to the City Government.</li> <li>- A Memorandum of Agreement must be obtained between the owner and the City Government.</li> </ul>

## **Section 5. Use of the Municipal Waters**

The municipal waters shall be reserved for municipal fisherfolk; Provided, that other activities, such as but not limited to, research and monitoring activities may be allowed under appropriate regulations, for purely research, scientific, technological and educational purposes.

## **Section 6. Users of the Municipal Waters**

All fisheries and coastal related activities in the municipal waters, subject to existing laws and regulations, shall be utilized by the resident municipal fisherfolk and their organizations and cooperatives duly accredited by the Sangguniang Panlungsod. Provided, that no commercial fishing vessel is allowed to operate within the municipal waters.

## **Section 7. Registry of Coastal and Fisheries Resource Users**

The City Government, shall maintain a registry of users for the purpose of determining priorities among them, of regulating and limiting entry into the municipal waters, and of monitoring fishing activities and/or other related purposes; Provided, that such list or registry shall be updated annually or as often as may be necessary, and shall be posted in barangay halls or other strategic locations where it shall be open to the public, for the purpose of validating the correctness and completeness of the list: Provided, further, The city government, in consultation with the CFARMC, shall formulate the necessary mechanisms for inclusion or exclusion

procedures that shall be most beneficial to the municipal fisherfolk; Provided, finally, that the City Government shall also maintain a registry of municipal fishing vessels, type of gears and other boat and fishing paraphernalia.

No resource user shall be registered if she/he has not been a resident of the City for at least one (1) year.

All operators/owners of municipal fishing boats shall abide with the following color coding based on the residence of the operator/owner and in accordance to policy regulation of the City Agriculture Office:

<i>Barangay</i>	<i>Assigned Color</i>
Banga	Yellow
Boyco	Blue
Malabugas	Orange
Pagatban	Red
Suba	Gray
Tinago	Apple Green
Villareal	Mahogany

### Article 3. Utilization of Fishery Resources

#### **Section 8. Preferential Treatment to Municipal Fisherfolk and Their Organizations in the Grant of Exclusive Fishery Privileges**

Exclusive Fishery Privileges shall mean operation of oyster and other culture beds, or the gathering of fry of other species of fish for their culture, cultivation, and propagation except for bangus fry gathering.

The granting of Exclusive Fishery Privilege for Bangus fry gathering shall be in accordance with Ordinance No. 3 Series of 2003. All other grants of the same Privilege shall be in accordance with the procedure provided herein.

The duly registered and accredited organizations, associations, and cooperatives of municipal fisherfolk and peoples' organizations which have municipal fisherfolk comprising the majority of the members shall have preference in the grant of Exclusive Fishery Privilege by the Sangguniang Panlungsod, pursuant to Section 149 of the Local Government Code of 1991 except those organizations, associations, and cooperatives with outstanding obligations to the City Government; Provided, that the Sangguniang Panlungsod shall be guided by the following procedures:

- a. The Sangguniang Panlungsod shall post in the City Hall and in at least two (2) other strategic places a notice to fisherfolk organizations or cooperatives to apply for the exclusive fishery privileges. The notice shall also be posted in at least two (2) conspicuous places in every fishing barangay and announced once a week for four (4) consecutive weeks. The same notice shall indicate the amount of the Exclusive Fishery Privilege.
- b. Interested parties shall have a period of FORTY FIVE (45) days from the posting of the notice to signify their intention to the Sangguniang Panlungsod to avail of the Exclusive Fishery Privilege.
- c. Should two (2) or more groups signify their intent to avail the Exclusive Fishery Privilege, the Sangguniang Panlungsod shall grant, as far as practicable, to both or all of them. If this should not be possible, the Sangguniang Panlungsod, in consultation with the CFARMC, shall draw up guidelines to resolve the matter.
- d. Only when no organization has signified their intent to avail the privilege or the failure of

the grant of the Exclusive Fishery Privilege to the organization shall other parties be invited to participate in a public bidding. Provided, however, that interested bidders should have secured fishery license and permits issued by the City Government as a condition precedent prior to their participation in said bidding.

e. The Sangguniang Panlungsod through a resolution shall award the Exclusive Fishery Privilege.

f. The organizations, associations, and cooperatives or the winner in the public bidding shall pay the amount of the Exclusive Fishery Privilege to the City Government, through the Office of the City Treasurer.

g. Any organization, cooperative or association, applying for the Exclusive Fishery Privilege must secure necessary clearances from the concerned agencies.

### **Section 9. Limitation on the Grant of Exclusive Fishery Privilege**

The following limitations shall be strictly followed:

- The Exclusive Fishery Privilege shall be for a period indicated below:
  - Bangus Fry Gathering from March 16 to November 15
  - Fish Corral from January 1 to December 31
  - Seaweed Culture from January 1 to December 31
  - Fish Cage from January 1 to December 31
  - Oyster Culture from January 1 to December 31
  - Mussel Culture from January 1 to December 31
- The Exclusive Fishery Privilege shall not be sub-contracted or sub-leased, in whole or in part. The said Privilege is non-transferable in nature.
- The members of fisherfolk organizations or cooperatives, who are already in possession of any Exclusive Fishery Privilege, other than for fish capture, cannot enjoy the same Fishery Privilege granted to other organization or cooperative.

### **Section 10. Grounds for the Cancellation of the Exclusive Fishery Privilege**

The following are the grounds for the cancellation of the Exclusive Fishery Privilege:

- a. Construction and operation of fish corral and/or gathering of bangus fry outside of the designated area in the municipal waters;
- b. Violation of any fisheries and environment-related laws, ordinances or rules and regulations;
- c. Use of dummies; and
- d. When public welfare so requires as deemed by the City Government, in consultation with the CFARMC

A holder has the option to discontinue the enjoyment of the Exclusive Fishery privilege through a voluntary written document signifying such intent which shall be a ground for the cancellation/revocation of the said privilege.

### **Article 4. Management, Development and Conservation of Fisheries and Aquatic Resources**

## **Section 11. Declaration of Closed Season**

Whenever, a particular species of fish, invertebrate or any harvestable fisheries resource is overfished or in danger of being overfished, based on available data or information, the Sangguniang Panlungsod, upon recommendation of the CFARMC, shall declare as closed season the gathering or harvesting of such resource through a resolution.

## **Section 12. Limited Entry Into Overfished Areas**

Whenever a particular area in the municipal waters is being overfished or in danger of being overfished, based on available data or information, the Sangguniang Panlungsod, in consultation with the CFARMC, shall enact a resolution prohibiting or limiting fisheries activities in the said waters.

## **Section 13. Establishment of Marine Reserves**

The City Government may establish marine reserves in the municipal waters; Provided, that fishing and other human activities are prohibited in the reserves; Provided, further, that scientific and educational activities shall be allowed inside the reserves for monitoring and other related purposes, only if written permission is obtained from the City Government; Provided, furthermore, that the City Government, in consultation with the CFARMC and the concerned people's organizations, shall develop a management plan in the operation of the marine reserve.

## **Section 14. Mangrove Protection and Conservation**

The City Government, in coordination with the CFARMC and the people's organizations in the adjacent barangays where mangroves are located, shall promote the proper management of mangrove areas in the City; Provided, that the City Government shall develop a program that shall promote and ensure community participation in the rehabilitation and management of existing mangrove areas.

## **Section 15. Regulation on Construction and Operation of Fish Corrals**

The City Government, in coordination with the CFARMC, shall regulate the construction and operation of fish corrals in the municipal waters; Provided, that no fish corral shall be established and operated outside of the designated areas; Provided, further, that no fish corral shall be constructed within two hundred (200) meters of another fish corral; Provided, moreover, that the mesh size of the net of the fish corral shall not be less than three (3) centimeters unless otherwise authorized by the BFAR, and shall be entirely lifted during the designated closed season of gathering a particular species of fish to enable a considerable number of spawner/breeder to reach their spawning grounds; Provided finally, that a person is authorized to operate only one fish corral at a time.

## **Section 16. Protection of Other Marine Habitats**

The City Government, in coordination with the CFARMC and the people in the barangays and their organizations, shall ensure the protection and conservation of other marine habitats in the municipal waters; Provided, that the City Government shall regulate through the Office of the City Agriculturist the use of fishing gears and other human activities that may adversely affect the marine habitats.

## **Section 17. Aquaculture**

The City shall consider aquaculture as a means to promote diversification of income and preservation and conservation of coastal and fisheries resources; Provided, that the City shall

ensure that resources are used responsibly and adverse impacts on the environment and on local communities are minimized: Provided, further, that aquaculture development shall consider the genetic diversity and ecosystem integrity of the municipal waters: Provided, moreover, That the City Government shall ensure that the livelihood of the people and their access to fishing grounds are not adversely affected; Provided, finally, that the City Government shall establish effective procedures to undertake appropriate environmental assessment, monitoring and mitigation with the aim of minimizing adverse ecological changes and related economic and social consequences resulting from water extraction, discharge of effluents, use of chemicals, and other aquaculture activities.

### **Section 18. Regulation on Construction and Operation of Fish Pens and Fish Cages**

*The City Government, in coordination with the CFARMC and through the Office of the City Agriculturist, shall regulate the construction and operation of fish pens and fish cages in the municipal waters; Provided, that no fish pen and fish cage shall be constructed in designated navigational route and in front of a wharf.*

### **Section 19. Registration of Private Fish Hatcheries and Fishponds**

All fish hatcheries, fish breeding facilities and private fish ponds must be registered with the City Government which shall prescribe minimum standards and fees for such facilities in consultation with the Office of the City Agriculturist.

### **Section 20. Waste Management**

All activities in the ground or waters, directly or indirectly, which result or likely to result in such deleterious effect which harm living and non-living aquatic resources, hazards to human health, hindrance to coastal or fishery activities such as fishing and navigation, including dumping/disposal of waste and other marine litter shall be prohibited: Provided, That it shall be the responsibility of the polluter to contain, remove and clean-up pollutants at his/her own expense: Provided, further, That in case of failure to do so, the City Government in coordination with agencies and institutions such as but not limited to the; Department of Environment and Natural Resources, Department of Health and other concerned agencies shall undertake containment, removal and clean-up operations and the expenses incurred in said operation shall be charged against the person and/or entities responsible for such pollution.

### **Section 21. Maintenance of Water Quality and Cleanliness**

The City Government shall monitor the quality of the water at the optimal level relative to natural productivity and the cleanliness of the areas devoted for aquaculture development and other fishery activities.

The operators and owners of aquaculture facilities and those involved in any other fishery activities shall develop a mechanism of proper waste disposal. Violation of this section may be a ground for the cancellation of the permit to operate aquaculture and other fishery activities.

### **Section 22. Artificial Reefs and other Fish Aggregating Devices**

The City shall ensure that the construction, installation and deployment of artificial reefs and other fish aggregating devices in the municipal waters, which should conform with the prescribed procedure as determined by concerned agencies and institutions that they will not unduly affect the sustained productivity nor decrease the biodiversity of the natural environment through their use or misuse; Provided, that before the artificial reefs and other fish aggregating devices are installed and/or constructed in the municipal waters, there should be an assessment of the proposed site, monitoring programs and management plans.

## **Section 23. Navigational Route**

The City Government, in consultation with the CFARMC, shall designate the navigational routes of ferries and other fishing crafts and shall disallow any activity that shall obstruct the designated navigational route; Provided, that nothing in the foregoing section shall be construed as permitting the lessee, licensee or permittee to undertake any construction which may obstruct free navigation and impede water circulation such as the flow of tide to and from the sea.

## **Article 5. Fishery Licenses and Permits**

### **Section 24. Fishery License and Permit**

Any person who is listed in the Registry of Resource Users shall be issued a non-transferable Fishery License, upon payment of the prescribed fees and charges provided it shall be unlawful for any person to engage in any fishing without securing the necessary Permit for the use of a particular gear and/or boat or engage in any fisheries activities within the City even if said person already possess the said Fishery License.

### **Section 25. Renewal of Fishery License and Permit**

The Fishery License or Permit shall be renewed within the first twenty (20) days of each year. A surcharge of 25% of the original amount shall be imposed if payment is made after the prescribed period.

### **Section 26. Licensing and Permitting Procedures**

Applicants for Fishery License or Permit shall submit the following documents to the Office of the City Agriculturist:

- ✓ Community Tax Certificate (for individual) or Certificate of Registration/ Certificate of Accreditation (for organizations, organizations, cooperatives, partnerships, firms or corporations)
- ✓ Barangay Clearance
- ✓ Character First! Training Certificate
- ✓ Fisherfolk Registration

Applicants for Fishery Permit shall submit the following to the City Treasurer's Office:

- A. Municipal Fisherfolk
- ✓ Duly Accomplished Application Form
  - ✓ Medical Certificate
  - ✓ Police Clearance
  - ✓ Certificate of Inspection from the City Agriculture Office
  - ✓ Community Tax Certificate
  - ✓ Barangay Clearance
  - ✓ Tax Clearance
  - ✓ Fire Safety Clearance
  - ✓ Other documents depending on the permit applied for

#### **Commercial Fishing Vessel Operators (For Business Permit and Docking)**

- ✓ Duly Accomplished Application Form
- ✓ Certificate of Inspection – MARINA & Phil. Coast Guard
- ✓ Commercial Fishing Vessel and Gear License – BFAR
- ✓ NTC (National Telecommunications Comm.) Clearance
- ✓ Community Tax Certificate
- ✓ Barangay Clearance

- ✓ Tax Clearance
- ✓ Fire Safety Clearance
- ✓ Police Clearance
- ✓ Medical Certificate
- ✓ Other documents depending on the permit applied for

The City Agriculturist or his duly authorized representative, in consultation with the CFARMC, shall recommend the issuance of the License and/or Permit to the City Mayor.

## **Section 27. Schedule of License Fee**

License to exploit, occupy, produce, culture, capture, or gather fish of any species and other fisheries products in the municipal waters, except those prohibited by law, ordinances or issuances by the appropriate agency and those listed in the CITES, shall be granted upon payment of corresponding fishery license fees indicated in the Local Revenue Code of the City.

## **Section 28. Permit Fee**

Only individuals, organizations, cooperatives, partnerships and corporations who have paid the Annual Permit Fee shall be granted the privilege to engage in a specific fishery activity in accordance with the Local Revenue Code.

Provided, that any person who applies for Fishing Permit for traps will only be allowed a maximum of thirty (30) crab pots, fish pots, squid pots per person.

## **Section 29. Permit to Dock and Anchor**

All sea crafts of more than three (3) registered gross tons that will dock and/or anchor in the municipal waters shall pay the docking fee in accordance with the Local Revenue Code.

The LGU through its authorized representative/s shall have the right to refuse docking privileges to any commercial fishing vessel whose documents are not in order. Any commercial fishing vessel that intends to dock at the landing area designated in Section 4 of Ordinance No.6 Series of 1998 shall be required to present its pertinent MARINA, BFAR, Coastguard and other related permits and licenses as listed in ANNEX A hereof.

## **Section 30. Gratuitous Permit**

The City Government may issue gratuitous permits to municipal fisherfolk to use, occupy, produce, culture, capture, or gather fish of any species and other fisheries products in the municipal waters, except those prohibited by law, ordinances or issuances by the appropriate agency and those listed in the CITES; Provided, that government agency or institution of learning may also be given gratuitous permit to engage in any fishery activities in the municipal waters for scientific or educational purposes, subject to the terms and conditions as may be imposed.

## **Section 31. Report of Transfer of Ownership of Boats and Fishing Gears**

The owner/operator of registered boats and fishing gears shall notify the City Government through the City Agriculture Office of the transfer of ownership of the boats and fishing gears within ten (10) days after its transfer.

## **Section 32. Duties of Licensee, Permittee, and Exclusive Fishery Privilege Holders**

All licensees, permits, and exclusive fishery privilege holders shall be governed by existing laws, orders, rules and regulations governing coastal and fisheries resources and shall:

1. Take precaution as may be necessary to prevent destruction to the coastal and fishery resources and habitat and the municipal waters, and to ensure environmental protection at all times;

2. Assume responsibility for the use of fishing boat and any or all acts of his/her agents. Employees or laborers, including those of contractors connected with his/her fishing operations, or in the establishment, management, or operation of the contract or during the fishing expedition, such as transport and or possession of dynamite, cyanide and other poisonous or noxious substances, as well as any fish caught through unlawful means;
3. Keep and submit to the Fisheries Section of the City Agriculture Office all records and reports of transaction like the Municipal Fish Catch Data in connection with the license, permit or lease in such format as required by the terms and conditions of the license and as may be required by law;
4. Allow or render assistance to any law enforcer for purpose of inspection, searching and examining any person, document, records and places of operations including storage areas, auxiliary boats or goods aboard the boat;
5. Vacate the area covered by the fishery privilege, upon expiration or as directed by authorized city officials, unless renewed or cancelled;
6. Clear, remove, destroy or demolish any debris, material, structure or gear, or the vacated area placed or constructed on the site of the fishery privilege upon expiration or cancellation of the privilege;
7. Maintain cleanliness and sanitation of area covered by license granted.

### **Section 33. Funds for Fisheries Management**

The City Government shall allocate funds for fisheries management activities such as, but not limited to law enforcement, livelihood program for fisherfolk, research, training and education.

## **Article 6 Post-harvest Facilities and Infrastructures, Activities and Trades**

### **Section 34. Establishment of Post-Harvest Facilities**

The City Government shall coordinate with the private sector and other concerned agencies and CFARMC in the establishment of post-harvest facilities such as, but not limited to, city fish landing sites, fish ports, coastal roads, ice plants and cold storage and other fish processing establishment to serve primarily the needs of the municipal fisherfolk.

### **Section 35. City Fish Port Construction and Development**

City fish port development should be located and designed in a manner that will minimize changes to existing water and sediment quality parameters such as salinity and temperature, dissolved oxygen, nitrogen and sediment concentration; organic constituents; and turbidity of waters; Provided, that city fish ports and harbors should be placed in areas with the highest available flushing rate, and access channels should be designed to minimize adverse water circulation changes and creation of stagnant water column; Provided, further, that city fish ports and harbors should incorporate facilities which allow for effective waste disposal and erosion control.

### **Section 36. Exportation and Importation of Fish and Fishery Products**

To protect and maintain the local biodiversity or ensure the sufficiency of supply, spawners/ breeders, eggs and fry of bangus, prawn and other endemic species, as may be determined by the Department, shall not be exported or caused to be exported by any person; Provided, further, that no person shall import fish and fish products of whatever size, stage or form, for any purpose without securing the necessary permit.

### **Section 37. Auxiliary Invoice**

All fish and fisheries products, except those caught in violation of the provisions of this ordinance or are declared as health hazards by concerned institutions, must have an auxiliary invoice to be issued by the City Agriculture Office prior to their transport from the point of origin to their point of destination in the Philippines and/or export purposes upon payment of the prescribed fee to defray administrative costs thereof, as prescribed in the Local Revenue Code.

### **Section 38. Support to Municipal Fisherfolk**

The City Government, in coordination with other agencies and institutions concerned and the CFARMC, shall provide support to municipal fisherfolk and their organizations through appropriate technology and research, credit, production and marketing assistance and other services such as, but not limited to, training for additional or supplementary livelihood.

## **Article 7. City Fisheries and Aquatic Resources Management Council (CFARMC)**

### **Section 39. Creation of City FARMC**

Pursuant to Section 69 of the Philippine Fisheries Code of 1998, City FARMC shall be established in this City. The City Government shall provide assistance to the City FARMC.

### **Section 40. Composition of City FARMC**

The regular members of the City FARMC shall be composed of the following:

- City Planning and Development Officer;
- Chairperson of the Sangguniang Panlungsod Committee on Agriculture/Fisheries;
- Representative of the City Development Council;
- City Environment and Natural Resources Officer;
- Representative from the accredited non-governmental organizations;
- Representative from the Business Sector;
- Representative from the City Agriculture Office; and
- At least eleven (11) fisherfolk representatives: seven (7) municipal fisherfolk, one (1) fishworker and three (3) commercial fishermen which include representative from youth and women sector.

The FARMC shall adopt rules and regulations necessary to govern its proceedings and election.

### **Section 41. Powers and Functions of the City FARMC**

The City FARMC shall have the following powers and functions:

- To assist the City Government in the implementation of programs and projects on coastal and fisheries resources management;
- To assist the City Government in the monitoring and evaluation coastal and fisheries resources management programs;
- To advise the City Government in the arbitration of disputes over fishery rights and sharing contracts;
- To assist the City Government in the conduct of public hearings and community consultations, in aid of the formulation of plans, policies and proposed ordinances and regulations;
- To coordinate with law enforcement agencies in the enforcement of fishery and environmental laws, ordinances, rules and regulations;
- To assist the City Government in the promotion of comprehensive rehabilitation and

conservation of city fishing grounds and coastal and fishery resources;

- To assist the City Government in the promotion of ancillary economic activities, including cooperative marketing and socio-economic services;
- To maintain an updated registry of municipal fisherfolk; and
- To perform such other functions that the City Mayor, the City Development Council and the Sangguniang Panlungsod may delegate, as provided by an ordinance or resolution.

## **Article 8. Prohibited Activities and Penalties**

### **Section 42. Other Prohibitions.**

In addition to the prohibited/unlawful acts mentioned in Republic Act No. 8550, it shall be unlawful for any person, entity, organization or corporation to engage in any of the following activities:

- Use of “abog” or any scaring device
- Use of Danish seine / “hulbot-hulbot”
- Use of trammel net / “triple nets”
- Use of drive- in net / “paaling”
- Use of beach seine / “sahid”
- Use of push net / “sudsud”
- Use of ring net / kub-kob / likom
- Use of drift gill net
- Use of fine mesh nets (less than 3 centimeters) in crab pots, squid pots, fish traps, lever nets, fish corrals, bottom set gill nets, drift gill nets, cast nets and such other gear determined by the Fisheries Section of the City Agriculture Office to have the same function as the aforementioned gears or unless otherwise authorized by BFAR
- Fishing without Mayor’s Permit
- Bangus fry gathering outside of the catching season

Any offender shall be subjected to the following proceedings and penalty:

In case the offender is a member of an accredited association, organization, cooperative, partnership or corporation and he is found to have committed any of the above-mentioned prohibited acts upon the order or direction of their association, organization, cooperative, partnership or corporation, the officers at the time the offense was committed shall be jointly and severally liable to any fine imposed upon them and in case the penalty to be imposed is imprisonment, the said officers shall be liable thereof.

The penalty to be imposed shall be at the discretion of the mayor in accordance to the following schedule:

- a. A fine of one two thousand pesos ( P 2,000.00) for the first violation
- b. A fine of three thousand pesos ( P 3,000.00) for the second violation and/or suspension of the offender’s license, permit or Exclusive Fishery Privilege for three (3) months.
- c. A fine of four thousand pesos (P 4,000.00) for the third violation and/or suspension of the offender’s license, permit or Exclusive Fishery Privilege for six months
- d. A fine of five thousand pesos (P 5,000.00) for the fourth violation and/or cancellation of the offender’s license, permit or Exclusive Fishery Privilege for the current year

Any association, organization, cooperative, partnership or corporation whose accreditation or Exclusive Fishery Privilege has been cancelled for two (2) consecutive years shall be perpetually banned from availing of said privilege.

In addition to the foregoing, the offender shall also be personally subjected to an administrative proceeding for the suspension, cancellation or revocation of the offender's personal permit or license, whichever is applicable, based on the following:

First Offense- suspension of permit or license for three (3) months

Second Offence- suspension of permit or license for six (6) months

Third Offense- revocation/cancellation of permit or license for the current year

In case the offender is caught in *flagrante delicto*, the City Agriculture Office shall forward an Incident Report immediately to the Office of the City Mayor together with the pertinent excerpt of the police blotter, pictures, statement/s of the apprehending officer/s, etc. The Incident Report shall be treated as the complaint.

In case a private individual files the administrative complaint, the complaint must be in writing and subscribed and sworn to by the complainant together with the affidavits of his/her witnesses and such other evidence that would support the allegations on the complaint.

All proceedings under this Ordinance shall be summary in nature. All administrative complaints shall be resolved by the Office of the City Mayor. The City Mayor is hereby authorized to enter into a compromise, for any violation under this Ordinance, with the offender on the administrative aspect of the offense by way of imposing an administrative fine with a minimum of P 1,000.00 but in no case shall exceed P 5,000.00 at the discretion of the City Mayor, taking into consideration the gravity, nature and circumstances surrounding the commission of the prohibited act/s and guided by the schedule of penalties stated above.

## **Article 9. General Provisions**

### **Section 43. Enforcement**

The City Agriculture Office shall be the lead department in the enforcement of this ordinance in coordination with the local PNP, BFAR and the deputized Fish Wardens.

### **Section 44. Resettlement Area for Fisherfolk**

In case there is a necessity for relocating any fisherman or informal settler who will be affected by any of the programs related to the implementation of this CRM, the LGU shall provide a reasonable resettlement area for the affected person/s.

### **Section 45. Mandatory Review**

The Sangguniang Panlungsod 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.

## **Article 10. Transitory Provisions**

### **Section 46. Conduct of Registration of Resource Users**

Within 60 days from the effectivity of this ordinance, the City Government shall conduct a registration of all resource users, as provided for in this ordinance.

## **Article 11. Final Provisions**

### **Section 47. Appropriation**

The amount necessary to effectively carry out the provisions of this ordinance during the first year of its implementation shall be allocated from the budget of the City Agriculture Office. The budget for subsequent years which shall not be less than the amount of the prior years'

appropriation and shall be submitted by the City Agriculture Office to be included in the Annual City Budget Ordinance.

**Section 48. Repealing Clause**

All previous ordinances, executive orders, rules and regulations or parts thereof which are inconsistent with this ordinance are hereby repealed and modified accordingly.

**Section 49. Separability Clause**

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

**Section 50. Effectivity Clause**

This ordinance shall take effect ten (10) days after a copy thereof is posted in a bulletin board at the entrance and in at least two (2) other conspicuous places of the city building and the ordinance has been published once in a local newspaper of general circulation in the city.

“Enacted.”

\* \* \*

I hereby certify to the correctness of the foregoing resolution.

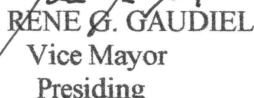
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JULIUS T. ESPARTERO  
Legislative Staff Officer IV  
(OIC - Secretary to the Sanggunian)

ATTESTED:

APPROVED: JUN 07 2005



RENE G. GAUDIEL  
Vice Mayor  
Presiding



GERMAN P. SARAÑA JR.  
Mayor

Copy For:

- The Honorable Provincial Board, Dumaguete City