



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

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE CITY COUNCIL OF BAYAWAN, NEGROS ORIENTAL ON SEPTEMBER 25, 2023 AT 10:00 AM AT THE LEGISLATIVE BUILDING GOVERNMENT CENTER.

RECORD OF ATTENDANCE

HON. HENRY E. CARREON, JR.	Vice Mayor & Presiding Officer	Present
HON. MARK FIDENCIO L. AURELIA		Present
HON. NARCISO N. CASIPONG		Present
HON. RUSMAR IAN D. TIJING		Present
HON. MERLITA R. GAUDIEL		Present
HON. NICO ANGELO L. LIM		Present
HON. ROLANDO B. ABRASALDO		Present
HON. KARL T. SARAÑA		Present
HON. LUIS J. SUMALPONG		Present
HON. FELIPE O. SANTIAGO, JR.		Present
HON. MA. LUCIANA T. TIZON		Present
HON. SEVERINO SALVADOR M. CAPULSO	LNMB President	Present
HON. TRISTAN GOLD T. TORRILLO	SK Federated President	Present

RESOLUTION NO. 641

Sponsored by: HON. LUIS J. SUMALPONG  
Co-Sponsored by: HON. NARCISO N. CASIPONG

“Presented for Third and Final Reading of An Ordinance Defining the Operation and Management of the Community Fish Landing Center, Collecting Fees Thereof, Declaring Certain Unlawful Acts, Providing Penalties and Sanctions, and Appropriating Funds Therefor.

“On motion of Honorable Councilor Luis J. Sumalpong and duly seconded by Honorable Councilor Karl T. Saraña, the Council

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

**ORDINANCE NO. 37**

**AN ORDINANCE DEFINING THE OPERATION AND MANAGEMENT OF THE COMMUNITY FISH LANDING CENTER, COLLECTING FEES THEREOF, DECLARING CERTAIN UNLAWFUL ACTS, PROVIDING PENALTIES AND SANCTIONS, AND APPROPRIATING FUNDS THEREFOR**

Be it ordained by the Sangguniang Panlungsod of Bayawan City Negros Oriental, Philippines in session duly assembled constituting a quorum:

**Section 1. Declaration of Policy.** It is hereby declared as policy of the Local Government Unit to safeguard the welfare of the fisherfolk, to provide a sound business environment for the fish entrepreneurs and adequate protection for the consuming public by declaring the Community Fish Landing Center as the common fish landing and trading center for all fishery and marine products in the city. It would also serve as a hub for post-harvest processing and skills development/training center for fisheries management in the coastal community.

**Section 2. Scope.** This ordinance shall govern the operation and management of the Community Fish Landing Center and the imposition of fees and charges for its services.

### Section 3. Definition of Terms.

- a. Fisherfolk – people directly or indirectly personally engaged in taking and/or culturing and processing fishery/coastal/marine resources.
- b. FFO – Fisherfolk Organization entrusted to manage and operate the Community Fish Landing Center through a Memorandum of Agreement.
- c. Fishing Vessel/boat – any boat or vessel engaged in fishing operations.
- d. Fishery and Marine Products – include finfish, mollusk, crustaceans and seaweeds.
- e. Wholesale Traders – a person who buys fishery and marine products direct from the producers to be transported and traded outside the city.
- f. Fish Holder – a person who is issued a Holdership Permit engaged in fish-holding activities in the Community Fish Landing Center.
- g. Holdership Permit – kind of business permit specially issued to a person duly accredited as a holder as a requirement in engaging in fish-holding activities in the Community Fish Landing Center.
- h. Fish-holding activities – activities involved when fishery products are landed at the Community Fish Landing Center until its transport out of the facility such as inspection, sorting, identification, recording, weighing, packing and icing, and trading.
- i. CFLC – Community Fish Landing Center in Barangay Suba, Bayawan City.
- j. Public Market – refers to the Bayawan City Public Market.
- k. LGU – refers to Local Government Unit of Bayawan City.
- l. Retailer – refers to any person engaged in retail business of fishery and marine products in the Bayawan City Public Market.
- m. Landing Fee/Berthing Fee – the amount charged to any vessel that stays or berths in the area of jurisdiction of the Community Fish Landing Center, which is to be collected from the vessel/boat operator/owner on per dock or per day basis, as the case maybe, at a rate depending on the gross tonnage of the vessel.
- n. Overland Trader – refers to any person coming from other municipalities/cities who brings fishery and marine products by land, into Bayawan City either for trading or for transshipment.
- o. Unloading Fee – the fee collected from the fishery and marine products' owner who unload such product for trading purposes.
- p. Holder's Fee – the fee collected from the Fish Holder who trades fish to the Retailer.
- q. Transshipment Fee – the fee collected from the Wholesale Trader who buys fish from the fisheries with the purpose of transporting or trading outside the municipality.
- r. Ice Conveyance Fee – fee collected from any person selling ice within the Community Fish Landing Center premises.
- s. Entrance Fee – the fee collected from owners of overland vehicle entering the fish port premises.
- t. Wharfage Fee – the fee collected from owners of cargoes and commodities other than fishery and marine products, which are docked and loaded at the Community Fish Landing Center.
- u. Block/Staff/Space/Land Rental – refers to the amount of rentals provided in this Ordinance.
- v. Auxiliary Invoice – a document issued for all fish and fishery products by the Local Government Unit or their duly authorized representatives prior to their transport from their point of origin to their point of destination in the Philippines and/or export purposes upon payment of a fee to be determined by the Local Government Unit to defray administrative costs therefor.

**Section 4. Administrative Provision.** The Local Government Unit will directly manage the Community Fish Landing Center in partnership with the local Fisherfolk Organization (FFO) at the initial stage of its operation, through a Memorandum of Agreement executed by and between LGU-Bayawan City and Fisherfolk Organization, and eventually turnover the operation and management to the Fisherfold Organization when already capable of independently managing the Community Fish Landing Center. The Community Fish Landing Center Management Board shall monitor and oversee the operation of the Community Fish Landing Center to ensure effective and efficient operations of the facility. The Management Board shall consist of representatives from the following Departments: City Treasurer's Office, City Accountant's Office, City Legal Office, City Agriculture Office, and four (4) officers of Fisherfolk Organization. The Board shall be chaired by the representative of the City Agriculture Office, being the lead agency in this project. LGU-Bayawan City and the Fisherfolk Organization shall provide personnel, which will do the following functions:

- a. Checking and inspection of any unloading products.
- b. Gathering and compiling fishery statistics.
- c. Utility, maintenance and janitorial work incidental to the Community Fish Landing Center operation.

- d. Ensuring safety of the facilities and equipment within the Community Fish Landing Center premises.

**Section 5. Unloading and Transshipment.** Fishery and marine products from vessels/boats or from overland sources, which are intended to be traded in the Public Market and other fish markets in the barangays of Bayawan City, shall be unloaded in the Community Fish Landing Center. All transshipment of these products shall also be done in the Community Fish Landing Center.

**Section 6. Holdership/Brokership.** Holdership shall be done in the Community Fish Landing Center. The Fisherfolk will be the holder of all fishery products intended to be traded in the Public Market and other fish markets in the barangays of Bayawan City. The LGU may appropriate funds for this purpose to support the Fisherfolk Organization entrepreneurial activities.

**Section 7. Illegal Retailer.** Retailing activities of fishery and marine products are strictly prohibited within the Community Fish Landing Center premises. For this purpose, a person shall be deemed engaged in illegal retailing activities of fishery and marine products when he, neither being a holder nor a wholesale trader, buys fishery and marine products directly from fisher within the Community Fish Landing Center premises, or when he, being fisher or overland trader, sell his product to a person neither being a holder nor a wholesale trader.

**Section 8. Graduation of Fees and Charges.**  
The Fisherfolk shall collect/charge the following fees covered with appropriate official receipts and all other forms necessary for fees collections and gathering of data provided that the rate of said fees or charges is consulted with the Community Fish Landing Center Management Board and approved by the LGU-Bayawan City and shall be posted in conspicuous places at the Community Fish Landing Center.

	TYPE OF FEE	RATE
1	Drying	₱10.00 per 50k sack of rice or corn until dried
2	Drying of Fishery Products	₱2.00 per kilo/day
3	Comfort Room	₱2.00/use
4	Unloading Fee (Motorized Municipal boats)	₱20.00/boat/unloading
5	Unloading Fee (Non-Motorized Municipal boats)	₱5.00/boat/unloading
6	Unloading Fee (Commercial boats)	₱120 per ton of fish/unloading
7	Entrance Fee for Motorcycle and Tricycle	₱10.00 for a maximum of 4 hours +₱5 for every succeeding hour
8	Entrance Fee for 4-Wheeled Vehicles and above	₱20.00 for a maximum of 4 hours + ₱10 for every succeeding hour
	Entrance Fee for 6 wheeled Vehicles and above	₱30.00 for a maximum of 4 hours + ₱10 for every succeeding hour
9	Service Fee for use of one Table and 4 chairs	₱30.00/day
10	Use of Freezer	₱5.00 per kilo per day
11	Cold Storage Fee	₱5.00/kilo/day – 250 kgs & below ₱3.00/kilo/day – 251 kgs to 900kgs ₱1.00/kilo/day – 901 kgs to 3 tons ₱0.50/kilo/day - 3 tons up ₱2.00/kilo/day – 200 kgs & below for non-members ₱1.00/kilo/day – 200 kgs & below for members ₱0.25/kilo/day - per kg/day
12	Charge for water refilling	₱50.00/200 - liter drum for BCAF Member ₱60.00/200 - liter drum for Non-BCAF Member
13	On other watercraft per day or fraction thereof	₱5.00 - per 20 liters
16	Fish unloading fee	₱5.00 - per 40 kgs box of fish

17	Overland Trader fee	₱5.00 - per 40 kgs box of fish
18	Ice conveyance Fee	₱20.00 - per can of ice
19	Block/Staff/Space/ Land Rental	₱30.00/day - for 25 square meter area

**Section 9. Auxiliary Invoice Issuance and Denial of Fishery and Marine Products.**

Fishery and marine products from vessels/boats or from overland sources, which are intended to be unloaded in the Community Fish Landing Center and which come from outside Bayawan City must have an auxiliary invoice and official receipt from the point of origin. Fishery and marine products from outside Bayawan City without auxiliary invoice and official receipt from the point of origin shall be denied entry in the Community Fish Landing Center. Fishery and marine products caught or gathered in violation of Fishery Laws, Ordinances and Administrative Orders or declared as health hazards shall likewise be denied entry into the Community Fish Landing Center.

**Section 10. Income-Sharing**

After 6 months of operation, the Fisherfolks Organization shall remit to the Treasurer's Office of the Local Government Unit a monthly 5% of its gross income within 15 days of each month without need of demand. The revenue-sharing payments shall be accompanied by reports to be provided by the Fisherfolk Organization and shall contain such information as reasonably requested by the Local Government Unit to confirm that it is consistent with the terms of the agreement.

**Section 11. Catch Allocation for Local Consumption**

To ensure food security, a percentage of the catch unloaded at the Community Fish Landing Center shall be reserved for local consumption. This catch allocation shall be jointly determined by the Community Fish Landing Center Management Board and the Fisherfolk Organization, and approved by the Local Government Unit.

**Section 12. Fund Allocation.** The Local Government Unit is hereby mandated to appropriate funds for the maintenance, operation, management and improvement of the Community Fish Landing Center.

**Section 13. Penal Provision.**

- a. Any person, natural or juridical, duly accredited as Holder having caught violating the provision of Section 6 of this Ordinance shall be fined by Five Thousand Pesos and revocation of his Holdership Permit.
- b. Both the seller and the buyer in illegal retail activities as provided in Section 5 and 7, including violations of other Sections of this Ordinance shall be penalized, as follows:

First Offense: Fine of Two Thousand (₱2,000.00) Pesos  
 Second Offense: Fine of Three Thousand (₱3,000.00) Pesos  
 Third Offense: Fine of Five Thousand (₱5,000.00) Pesos and confiscation of catch/fish bought

**Section 14. Transitory Provisions.** The City Mayor through the Community Fish Landing Center Management Board shall issue the necessary rules and regulations for the proper, effective, efficient implementation of this Ordinance.

**Section 15. Repealing Clause.** Any provision of an existing ordinance inconsistent of this ordinance is hereby deemed repealed and/or modified accordingly.

**Section 16. Separability Clause.** Should any provision of this Ordinance be thereafter declared invalid or unconstitutional, other parts of the provisions hereof which are not affected thereby shall continue to be in full force and in effect.


**Section 17. Effectivity.** This Ordinance shall take effect immediately upon approval.

“Enacted.”

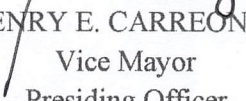
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I hereby certify to the correctness of the foregoing resolution.

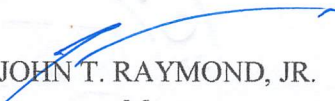
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JULIUS T. ESPARTERO  
Secretary to the Sangguniang Panlungsod

ATTESTED:

  
HENRY E. CARREON, JR.  
Vice Mayor  
Presiding Officer

APPROVED:

  
JOHN T. RAYMOND, JR.  
Mayor

Date: NOV 08 2023

Copy for:

- The Honorable Provincial Board, Dumaguete City