



Republic of the Philippines
CARAGA Region XIII
Province of Surigao del Norte
Municipality of San Benito



Office of the 10th Sangguniang Bayan

AN EXCERPT FROM THE MINUTES OF THE 38TH REGULAR SESSION OF THE 10TH SANGGUNIANG BAYAN MEMBERS OF THE MUNICIPALITY OF SAN BENITO, SURIGAO DEL NORTE HELD AT SANGGUNIANG BAYAN SESSION HALL ON SEPTEMBER 30, 2024 AT EXACTLY 9:00 O' CLOCK IN THE MORNING

PRESENT:

Hon. Wellybel A. Requirme
Hon. Cindy R. Agati
Hon. Charlito E. Mendavia
Hon. Aldrein C. Glimane
Hon. Delfin P. Labola
Hon. William A. Polican
Hon. Jayrom P. Caballejos

Municipal Vice Mayor / Presiding Officer
Sangguniang Bayan Member
Sangguniang Bayan Member
Sangguniang Bayan Member
Sangguniang Bayan Member
Sangguniang Bayan Member
Sangguniang Bayan Member

ABSENT:

Hon. Puyat P. Sumando
Hon. Felix B. Sumando Sr.
Hon. Ruella T. Rulete
Hon. Aira Mae C. Galano

Sangguniang Bayan Member
Sangguniang Bayan Member
Ex-Officio / LNMB President
Ex-Officio / SKF President

MUNICIPAL ORDINANCE NO. 159 - 24 Series of 2024

“AN ORDINANCE DECLARING AND ESTABLISHING THE BARANGAY STA. CRUZ MARINE PROTECTED AREA (MARINE FISH SANCTUARY) LOCATED AT BRGY. STA. CRUZ, SAN BENITO, SURIGAO DEL NORTE, PROVIDING FOR THE MANAGEMENT THEREOF, PRESCRIBING PENALTIES FOR VIOLATION, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES”

WHEREAS, it is recognized that the protection and conservation of coral reefs and seagrass beds is highly important for gene pool protection particularly the rare and economically important species, for biodiversity conservation, and for the maintenance of ecosystem stability and resiliency;

WHEREAS, coral reefs characterized by high diversity and productivity provide subsistence and cash-crop fisheries to the local community and many other ecological benefits such as coastal protection, food supply, ecotourism, livelihood and quality of environment;

WHEREAS, Siargao Island Protected Landscape and Seascape (SIPLAS) covering an area of 283,974.77 hectares was established as a protected area within the classification of national park pursuant to the Philippine Constitution under R.A. No. 11038, also known as the Expanded National Integrated Protected Area System (ENIPAS) Act;

WHEREAS, one of the objectives of SIPLAS as stipulated in the approved Protected Area Management Plan (PAMP) is to sustain the provision of ecosystem services through improved management of terrestrial and marine resources particularly the important habitats for biological diversity;

WHEREAS, the marine protected area (hereinafter referred to as MPA) is proven as one of the most successful fisheries management strategies in reducing threats to the marine environment and increasing the productivity of the adjacent marine habitats;

WHEREAS, the SIPLAS PAMP recognizes that one of the most important measures for the coastal and marine environment would be effective MPA management;

WHEREAS, the participation and inclusion of all partners and stakeholders including government agencies, private sector, non-government organizations, academe and community members, especially women, youth and other groups that are often marginalized and underrepresented in community-management processes, are vital to effective MPA management;

WHEREAS, the SIPLAS PAMP states that one of the priority interventions for the coastal and marine environment is to improve MPA management in SIPLAS through individual MPAs and MPA networks and provides for the strengthening of existing MPAs and the establishment of new ones;

WHEREAS, The SIPLAS PAMP provides for the formulation of new MPA plans or updating of existing MPA plans, and the enactment of LGU Ordinances for the establishment and management of MPAs;

WHEREFORE, for and in consideration of the foregoing premises and upon the motion of Sangguniang Bayan Member Charlito E. Mendavia duly seconded by Sangguniang Bayan Member William A. Polican,

BE IT ORDAINED, by the 10th Sangguniang Bayan of San Benito, Siargao Island, Surigao del Norte in session assembled, that:

Section 1. Title. This Ordinance shall be known as the Sta. Cruz MPA (Marine-Fish Sanctuary) Establishment Ordinance of 2024.

Section 2. Scope and Coverage. The provisions of this Ordinance shall be enforced in conjunction with existing laws, regulations and ordinances and shall be applied to, implemented, and enforced in the MPA established within the jurisdiction of the municipal waters of San Benito, particularly in Brgy. Sta. Cruz.

Section 3. Definition of Terms. For purposes of this Ordinance, the following terms shall be defined as follows:

Buffer Zone - is a designated area in the MPA where fishing is not allowed, and other human activities are regulated

Core Zone - is a designated area in the MPA where fishing is not allowed, and where human activities are prohibited except for research, monitoring, and rehabilitation.

Fishing Boat/Vessel – any watercraft equipped to be used for taking of fishery species or aiding or assisting one (1) or more vessels in the performance of any activity relating to fishing, including, but not limited to, preservation, supply, storage, refrigeration, transportation and/or processing.

Marine Protected Area (Marine Fish Sanctuary) – a defined area of the sea established and set aside by law, administrative regulation, ordinance, or any other effective means in order to conserve and protect a part of or the entire enclosed environment through the establishment of management

guidelines. It is considered a generic term that includes all declared areas governed by specific rules or guidelines in order to protect and manage activities within the enclosed area.

Navigational Sub-Zone – areas or part of the buffer zone where passing of motorized and non-motorized banca is allowed, subject to regulations.

Recreational Sub-Zone – areas or part of the buffer zone where recreational activities like diving, snorkeling, swimming, and other non-extractive activities as mentioned in this ordinance are allowed subject to regulation.

Section 4. Purpose. The MPA under this Ordinance is established for the following purposes:

The Sta. Cruz Marine Protected Area is hereby reserved and protected for the following purposes:

- a. Provide refuge to allow habitats (e.g. mangroves, seagrass beds, coral reefs) and populations of fish and other marine species to regenerate, reproduce, and spill over into nearby waters;
- b. Provide opportunities for alternative livelihoods, learning, and recreation that are compatible and supportive of the protection and conservation of coastal and marine resources; and
- c. Provide a venue for demonstrating local government driven community-based protection, management, and conservation of marine resources within protected areas.

Section 5. Establishment of Marine Protected Area (Marine Fish Sanctuary). The Sta. Cruz MPA (Marine Fish Sanctuary) is hereby declared and established consisting of a core zone and a buffer zone with the following boundaries and technical coordinates:

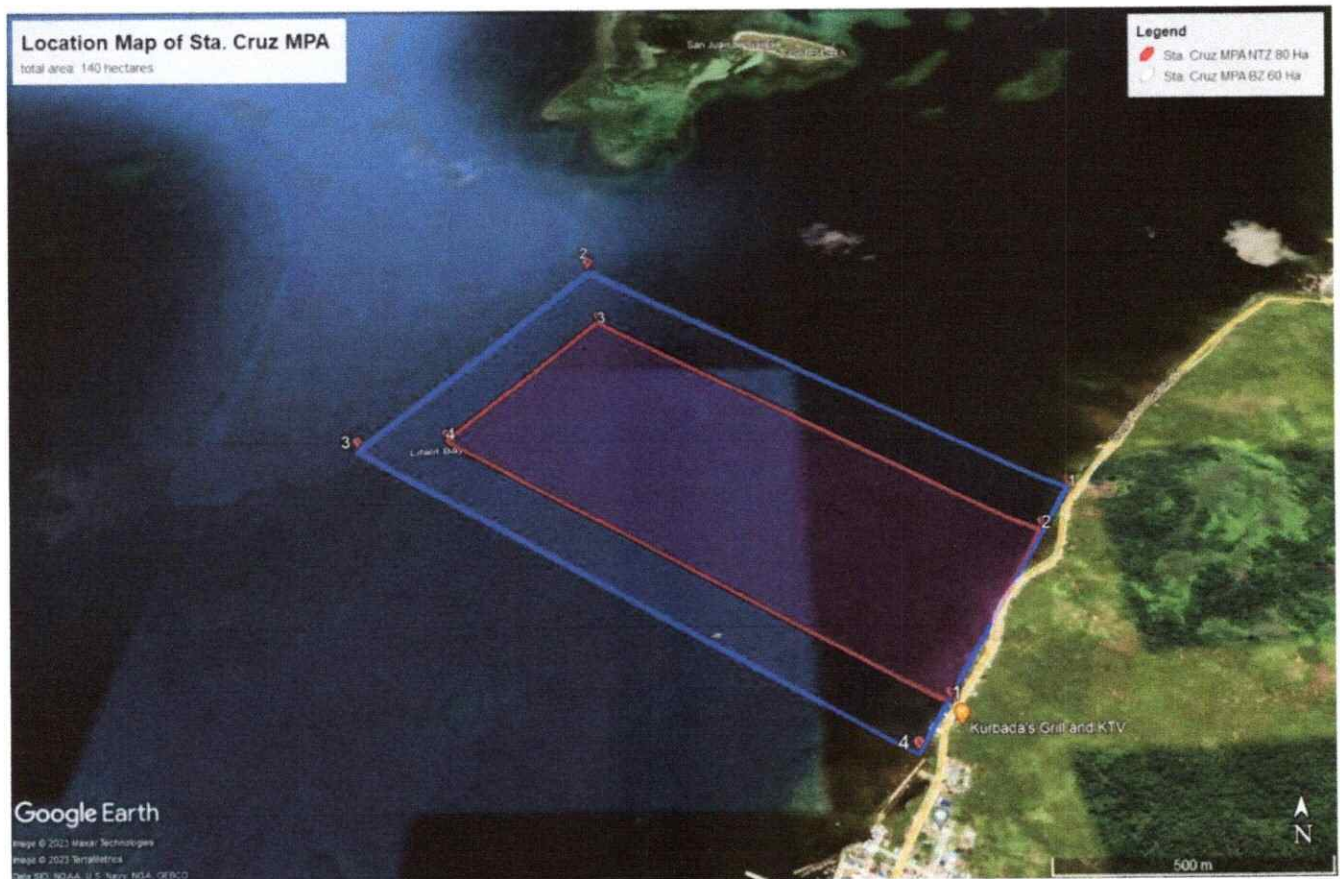
The core zone has an area of 80 hectares and within the following geographic coordinates:

Point	North	East
1	9°57'43.81"	126° 0'28.89"
2	9°57'59.03"	126° 0'38.67"
3	9°58'25.03"	126° 0'2.83"
4	9°58'9.44"	125°59'50.69"

The buffer zone has an area of 60 hectares and within the following geographic coordinates:

Point	North	East
1	9°58'3.50"	126° 0'41.83"
2	9°58'32.59"	126° 0'1.61"
3	9°58'8.24"	125°59'43.42"
4	9°57'39.94"	126° 0'26.12"

The map of Sta. Cruz MPA showing its coordinates in both core zone and buffer zone is hereby attached hereto.



No take Zone/Core Zone – 80 Hectares

Boundary	North	East
1	9°57'43.81"	126° 0'28.89"
2	9°57'59.03"	126° 0'38.67"
3	9°58'25.03"	126° 0'2.83"
4	9°58'9.44"	125°59'50.69"

Bufferzone/SU Zone – 60 hectares

Boundary	North	East
1	9°58'3.50"	126° 0'41.83"
2	9°58'32.59"	126° 0'1.61"
3	9°58'8.24"	125°59'43.42"
4	9°57'39.94"	126° 0'26.12"

Section 6. Management Plan. Within one (1) year from the effectivity of this Ordinance, a Management Plan for the Sta. Cruz marine protected area shall be formulated and completed. The plan shall cover a period of five (5) years and shall serve as the basic long-term framework plan for the management of the MPA and guide in the preparation of its annual operations plan and budget.

The Management Plan shall, at the minimum, promote the adoption and implementation of innovative management techniques including, when necessary, zoning, habitat conservation and rehabilitation, biodiversity management, community organizing and development, socioeconomic and

scientific research, and gender and inclusive development, among others. The Sta. Cruz MPA Management Plan shall have the following minimum components:

1. Chapter I: Introduction which includes the rationale of the MPA and the planning process
2. Chapter II: Profile of the MPA
3. Chapter III: Vision, Mission and Goals
4. Chapter IV: Management Strategies and Interventions
5. Chapter V: Implementing Structure
6. Chapter VI: Financial Plan
7. Chapter VII: Monitoring and Evaluation

The Sta. Cruz MPA Management Plan shall be submitted to the PAMB for approval.

Section 7. Responsible Office. Unless otherwise specified under an Executive Order issued by the Municipal Mayor, the responsibility for the overall management and supervision of the Sta. Cruz MPA, including the implementation and enforcement of this Ordinance is hereby placed in the Office of the Municipal Agriculturist. As necessary, a Technical Working Group can be created to provide technical support to the MPA Management Body.

Section 8. Duties and responsibilities of the Office of the Municipal Agriculturist. In addition to its regular duties and responsibilities, the MPA supervision and management responsibilities of the MAO shall include, but not limited to:

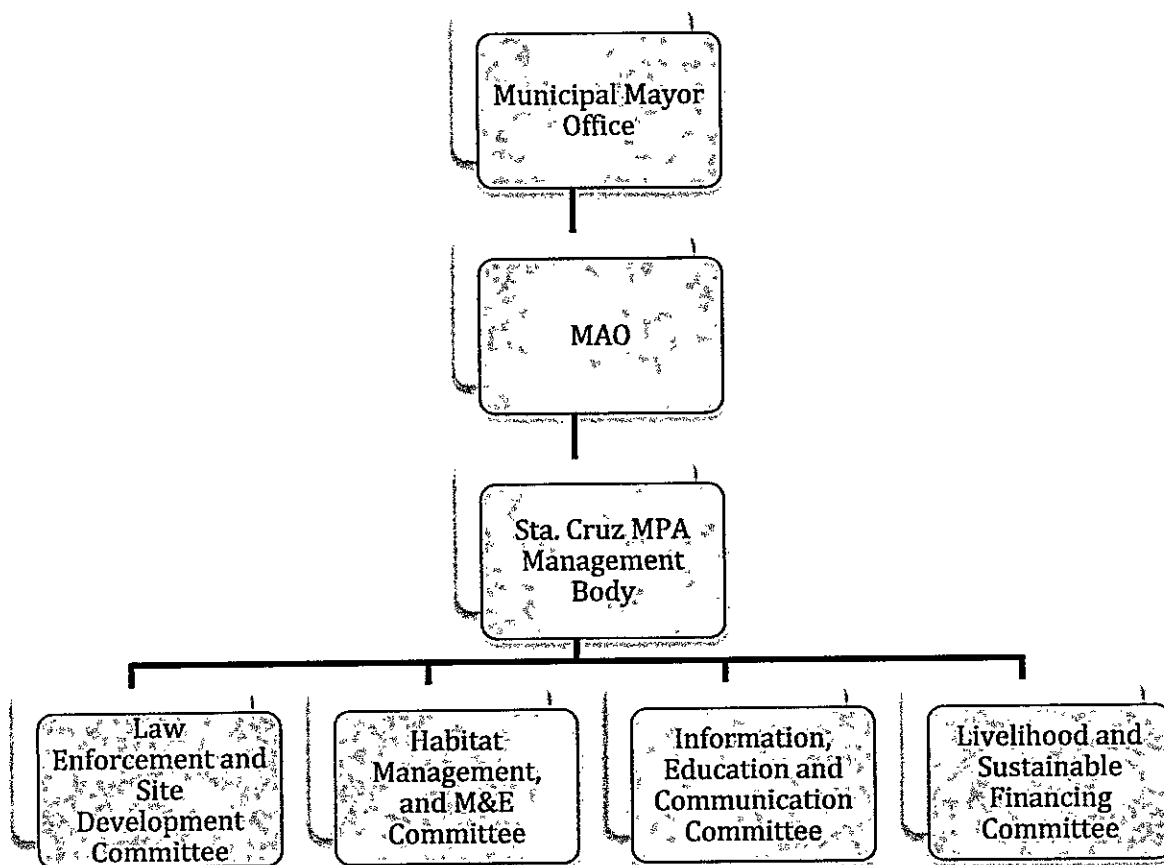
- 1) Overall supervision of the MPA Manager, including capacity building and mobilization of law enforcement personnel assigned in the Sta Cruz MPA;
- 2) Preparation and implementation of the MPA Management Plan including ensuring funding for its implementation;
- 3) Collaboration and co-ordination with other MPA partners like the Protected Area Management Office, BFAR, Provincial Government, and other concerned institutions; and
- 4) Monitoring and evaluation of MPA performance in meeting the purposes of this Ordinance;
- 5) Recommend researches, and other development activities within the MPA consistent with existing guidelines
- 6) Conduct networking and coordination activities and enter into Agreements with other institutions such as Non-Government Organizations (NGOs), Academe, funding institutions and private individuals;
- 7) Provide logistic and manpower support to enforcement and protection activities;
- 8) Facilitate the repair and maintenance of MPA facilities and assets;
- 9) Ensure that the activities of the committee are included in the annual work plan of the MPA;
- 10) Ensure the active participation and inclusion of all partners and stakeholders especially the community women, youth and other groups that are often marginalized and underrepresented in MPA management processes;
- 11) Submit periodic reports on the accomplishments, issues and challenges and recommendations of the committee to the MPA Management Body.
- 12) Create a technical working group to provide technical support to the Committees, including the preparation and/or updating of the MPA Management Plan.
- 13) Recommend the hiring, designation and deputation of MPA enforcers, ensuring that there shall be no discrimination against women.

Section 9. Duties and responsibilities of the Barangay. In addition to its regular duties and responsibilities, the MPA supervision and management responsibilities of the Barangay officials shall include, but not limited to:

1. Assist in the development of the MPA management plan and endorse the same to the Sangguniang Bayan for approval;

2. Provide logistic and manpower support to the MPA management body particularly in the conduct of seaborne and foot patrol;
3. Take lead in educating and informing the local communities on the policies, activities and other concerns related to MPA and community outreach activities during environmental events celebration e.g. Ocean Month, International Coastal Clean-up, Environment Month and others.
4. Coordinate with MAO, MENRO, PAMO SIPLAS, PCG, PNP-Maritime, protected area rangers, and other concern agencies for joint enforcement activities;
5. Recommend policies pertaining to the management of Baybay MPA to the Sangguniang Bayan and PAMB for the issuance of appropriate resolutions/ordinances;
6. Recommend researches, and other development activities within the MPA consistent with existing guidelines;
7. Recommend policies to support sustainable community livelihood and sustainable financing;
8. Recommend fees and charges for affirmation by the municipal LGU and SIPLAS PAMB; and
9. Manage conflict concerning the management and operations of the MPA.

Section 10. MPA Management Body. The Sta. Cruz MPA is hereby placed under the management of the Sta. Cruz MPA Management Body in close coordination with the Barangay officials and MAO. The management body shall be given the authority to manage, protect and oversee the operations of the MPA. The Sta. Cruz MPA management body shall elect a set of officers and committees among themselves, and shall be headed by a Chairperson. The Sta. Cruz MPA management body shall formulate its own by-laws indicating the management and operation of the organization and the role and accountabilities of the organization in the management of the MPA. The MPA management organizational structure and reporting arrangement is depicted in the Figure below:



Section 11. Powers and Functions of MPA management body. The Sta. Cruz MPA management body shall have the following powers and functions:

1. Oversee and decide on matters pertaining to planning, management, operations, and protection of the MPA with the support from the MAO;

2. Assist in the development of the management plan and endorse the same to the Sangguniang Bayan for approval;
3. Recommend policies pertaining to the management of Sta. Cruz MPA to the Sangguniang Bayan and PAMB for the issuance of appropriate resolutions/ordinances;
4. Recommend fees and charges for affirmation by the municipal LGU and SIPLAS PAMB
5. Conduct regular meetings and special meetings;
6. Provide support and supervision to the different working committees of the MPA Management Body;
7. Provide periodic reports to the Office of the Mayor, MAO, and other concerned agencies; and
8. Manage conflict concerning the management and operations of the Marine Protected Area.

Section 12. Committees. The following committees are hereby created under the management body to support and assist the management body in the performance of its functions. The management body shall prescribe the composition of the committees.

1. Law Enforcement and Site Development Committee
2. Habitat Management, and Monitoring and Evaluation Committee
3. Information, Education and Communication Campaign (IEC) Committee
4. Livelihood and Sustainable Financing Committee

Section 13. Powers and Functions of Committees. The following committees with their corresponding functions are hereby created under the management body to facilitate the accomplishment of the functions and responsibilities of the management body.

1. Law enforcement and Site Development Committee

Functions:

- a) Conduct daily sea and foot patrolling around the MPA and vicinity;
- b) Coordinate with enforcement bodies such as Bantay Dagat, Philippine National Police (PNP), Philippine Coast Guard (PCG) and protected area rangers for joint enforcement activities;
- c) Assist in the preparation of apprehension documents;
- d) Record and maintain logbook of operations, apprehensions and assets use;
- e) Act as witness in court cases and administrative adjudication proceedings;
- f) Ensure safety of visitors/community members during emergency situations;
- g) Ensure that needed facilities and other physical assets are installed and constructed;
- h) Conduct regular monitoring, recording, safekeeping and audit of physical assets such as GPS, binoculars, camera, enforcement gadgets, and facilities such as markers, patrol boats, guardhouse;
- i) Facilitate the repair and maintenance of MPA facilities and assets;
- j) Ensure that the activities of the committee are included in the annual work plan of the MPA; and
- k) Submit periodic reports on the accomplishments, issues and challenges and recommendations of the committee to the MPA Management Body.

2. Habitat Management and Monitoring and Evaluation Committee

Functions:

- a) Assist in biophysical monitoring of the MPA and in the conduct of MEAT;
- b) Assist in data collection, management and presentation of results to the community and other stakeholders;
- c) Monitor on a regular basis other environmental threat such as coral bleaching, Crown of Thorns infestation, harmful algal bloom, and others;
- d) Ensure that activities of the committee are included in the annual work plan of the MPA; and;
- e) Submit periodic reports on the accomplishments, issues and challenges and recommendations of the committee to the MPA Management Body.

3. Information, Education and Communication Campaign Committee

Functions:

- a) Lead gender-sensitive and socially-inclusive community outreach activities such as but not limited to International Coastal Clean-up activities, Celebration of thematic activities and events, e.g., Ocean Month, local symposia on MPA conservation, environmental law awareness, poster and slogan making contest and similar information dissemination activities;
- b) Develop social media campaign materials that will showcase the Sta. Cruz MPA biodiversity and educate the people on the MPA policies such as leaflets, flyers and reading materials;
- c) Integrate committee activities in the annual work plan of the MPA; and
- d) Coordinate and collaborate with other information dissemination organizations and institutions in the conduct of IEC activities.

4. Livelihood and sustainable financing committee

Functions:

- a) Determine and recommend potential biodiversity friendly enterprises (BDFEs) and livelihood projects;
- b) Support the formulation and implementation of income generation schemes and plans, including financial and business planning;
- c) Lead in fund sourcing activities for MPA management and BDFEs, including preparation of project and/or grant proposals; and
- d) Recommend policies to support sustainable community livelihood and sustainable financing.

Section 14. Zoning. Zoning shall be implemented in the Sta. Cruz MPA as a strategy to effectively manage the ecosystems therein, in accordance with the objectives and principles of biodiversity conservation and sustainable development. The Sta. Cruz MPA shall be divided into Core Zone and Buffer Zone. Sub-zones may be established in the buffer zone depending on the purpose/s thereof, provided that only sub-zones for recreation and navigation, and mooring areas can be established.

Section 15. Allowed Activities in the Core Zone. Subject to compliance with the requirement provided herein, only the following activities can be allowed in the Core Zone:

15.1. Protection/Law Enforcement

Protection/Enforcement activities are allowed within the core zone, provided, that only mandated government agencies, members of the Management Body and the Law Enforcement and Site Development Committee, the Bantay Dagat, and officials and tanods of the barangay local government unit (BLGU) may conduct the protection and enforcement activities. The enforcement personnel must have proper identification at all times and all enforcement activities shall be coordinated with the MAO and MPA Management Body. The law enforcement team shall submit monthly patrolling reports to the MAO. The latter shall ensure that mechanisms are in place for the protection of enforcers.

15.2. Rehabilitation

15.2.1. Rehabilitation activities are allowed in the core zone, provided, that only the MPA management body, academe, municipal and barangay LGU, NGOs, NGAs, and domestic and foreign institutions may conduct the rehabilitation activities. Provided further, that only the following rehabilitation measures will be allowed:

- a) Coral rehabilitation measures

- Coral transplantation subject to existing guidelines and PAMB approval
- Installation of artificial reefs, provided, that artificial reefs shall not be placed in coral reef areas and shall be placed only in designated areas.
- Coral reef rehabilitation shall comply with existing guidelines on the matter.

b) Mangrove rehabilitation measure

- Planting of appropriate mangrove species, provided, that site rehabilitation assessment and species identification must be conducted prior to the activity. Provided further, that planting of mangroves on seagrass beds is not allowed. The management body and the members of the concerned committee/s shall undergo training on rehabilitation of corals and mangroves.

15.2.2. *Required rehabilitation procedures and activities in the core zone.*- No rehabilitation and related activities shall be undertaken in the core zone unless authorized in writing through an approved PAMB Resolution in accordance with the following procedures:

- a) A letter of intent and rehabilitation proposal shall be submitted by the proponent, duly endorsed by the MPA management body and submitted to the Office of the Municipal Mayor for his/her endorsement to the PAMB
- b) Submission of the letter of intent and rehabilitation proposal together with the Mayor's endorsement to the PAMB for approval.
- c) PAMB to act on the letter of intent and rehabilitation proposal. In case of approval, the PAMB shall specify the terms and conditions for the conduct of the rehabilitation activities.
- d) The proponent shall submit progress reports to the PAMO, the municipal LGU, and the MAO.

15.3. Research - No research and related activities shall be undertaken in the core zone unless authorized in writing through an approved PAMB Resolution in accordance with the following guidelines and procedures.

15.3.1. *Who may conduct research in the core zone* - Research activities may be allowed in the core zone, provided, that only the members of the academe and students (for undergraduate thesis; graduate dissertation; university research and development), NGOs, LGU, NGAs, and research institutions (local and foreign) may conduct research activities. Provided, further, that the publication of research results shall not be undertaken without prior written consent of the MPA management body, Municipal Mayor and PAMO.

15.3.2. *Research procedure* - The research shall be supervised by the Municipal Agriculturist or Municipal Fishery Officer in coordination with the MPA Management Body.

The following process shall be followed prior to the conduct of research activities:

- a) A letter of intent and research proposal shall be prepared by the proponent and submitted to the office of the Municipal Mayor for his/her endorsement.
- b) Submission of the letter of intent and research proposal with the Mayor's endorsement to the PAMB for approval.
- c) PAMB to act on the letter of intent. In case of approval, the PAMB shall specify the terms and conditions for the conduct of the study/research.
- d) The proponent shall present and submit the results of the study/research to the PAMO, the municipal LGU, and the management body.

15.4. Biophysical and Socio-Economic Monitoring

Biophysical and socio-economic monitoring activities are allowed in the core zone, provided, that only the members of the MPA management body and its concerned committee, the MPA network, academe and research institutions, NGAs, and PAMO-SIPLAS composite monitoring team may conduct monitoring activities. The monitoring group shall coordinate with the Municipal and Barangay LGUs and the MPA management body prior to the conduct of monitoring activities and shall submit monitoring reports to the PAMO, the municipal LGU, and the MPA management body.

All activities not listed above are prohibited in the Core Zone.

Section 16. Allowed Activities in the Buffer Zone. Subject to compliance with the requirements provided herein, only the following activities can be allowed in the Buffer Zone:

16.1. Protection/ Law Enforcement

Protection/Enforcement activities are allowed within the buffer zone, provided, that only mandated government agencies, members of the MPA management body and the Law Enforcement and Site Development Committee, the Bantay Dagat, and officials and tanods of the barangay local government unit (BLGU) may conduct the protection and enforcement activities. The enforcement personnel must have proper identification at all times and all enforcement activities shall be coordinated with the MPA management body. The law enforcement team shall submit monthly patrolling reports to the MPA management body. The latter shall ensure that mechanisms are in place for the protection of enforcers.

16.2. Rehabilitation

16.2.1. Rehabilitation activities are allowed in the buffer zone, provided, that only the MPA Management Body, academe, municipal and barangay LGU, NGOs, NGAs, and domestic and foreign institutions may conduct the rehabilitation activities. Provided further, that only the following rehabilitation measures will be allowed:

a) Coral rehabilitation measures

- Coral transplantation subject to existing guidelines and PAMB approval
- Installation of artificial reefs, provided, that artificial reefs shall not be placed in coral reef areas and only in designated areas.
- Coral reef rehabilitation shall comply with existing guidelines on the matter

b) Mangrove rehabilitation measure

- Planting of appropriate mangrove species, provided, that site rehabilitation assessment and species identification must be conducted prior to the activity. Provided further, that planting of mangroves on seagrass beds is not allowed. The management body and the members of the concerned committee/s shall undergo training on rehabilitation of corals and mangroves.

16.2.2. *Required rehabilitation procedures and activities in the core zone.*- No rehabilitation and related activities shall be undertaken in the core zone unless authorized in writing through an approved PAMB Resolution in accordance with the following procedures:

- a) A letter of intent and rehabilitation proposal shall be submitted by the proponent, duly endorsed by the MPA management body and submitted to the Office of the Municipal Mayor for his/her endorsement to the PAMB
- b) Submission of the letter of intent and rehabilitation proposal together with the Mayor's endorsement to the PAMB for approval.

- c) PAMB to act on the letter of intent. In case of approval, the PAMB shall specify the terms and conditions for the conduct of the activities.
- d) The proponent shall submit progress reports to the PAMO, the municipal LGU, and the Management Body.

16.3. Research - No research and related activities shall be undertaken in the core zone unless authorized in writing through an approved PAMB Resolution in accordance with the following guidelines and procedures.

16.3.1. *Who may conduct research in the core zone* - Research activities may be allowed in the core zone, provided, that only the members of the academe and students (for undergraduate thesis; graduate dissertation; university research and development), NGOs, LGU, NGAs, and research institutions (local and foreign) may conduct research activities. Provided, further, that the publication of research results shall not be undertaken without prior written consent of the MPA management body, BLGU, Municipal Mayor and PAMO.

16.3.2. *Research procedure* - The research shall be supervised by the Municipal Agriculturist Office or Municipal Fishery Officer in coordination with the MPA management body.

The following process shall be followed prior to the conduct of research activities:

- a) A letter of intent and research proposal shall be prepared by the proponent and submitted to the Office of the Municipal Mayor for his/her endorsement to the PAMB
- b) Submission of the letter of intent and research proposal together with the Mayor's endorsement to the PAMB for approval.
- c) PAMB to act on the letter of intent. In case of approval, the PAMB shall specify the terms and conditions for the conduct of the study/research.
- d) The proponent shall present and submit the results of the study/research to the PAMO, the municipal LGU, and the MPA Management Body.

16.4. Biophysical and Socio-Economic Monitoring

Biophysical and socio-economic monitoring activities are allowed in the buffer zone, provided, that only the members of the MPA management body and its concerned committee, the MPA network, academe and research institutions, NGAs, and PAMO-SIPLAS composite monitoring team may conduct monitoring activities. The monitoring group shall coordinate with the Municipal and Barangay LGUs and the MPA management body prior to the conduct of monitoring activities and shall submit monitoring reports to the PAMO, the municipal LGU, and the MPA management body.

16.5. Recreation

Recreation activities limited to swimming, snorkeling, diving, kayaking, surfing, and boating (motorized/non-motorized) may be allowed in the buffer zone. The management body, with assistance of the MAO, shall designate the recreation sub-zone in the buffer zone and put up markers to delineate the same and shall identify the specific recreational activities that will be allowed therein.

The following are the minimum requirement for recreation activities:

- a) Payment of user fee prescribed in this Ordinance prior to the conduct of the activity. Provided, that residents of Barangay Baybay are exempt from paying user fee upon presentation of proof of residency. The Municipal LGU, in collaboration with the management body, shall set up a collection point for the payment of user fees.
- b) The Municipal/Barangay LGU shall provide lifeguards accredited by the appropriate government agency.
- c) The Municipal/Barangay LGU shall provide appropriate safety gears to persons undertaking recreation activities.

- d) A duly accredited tour guide shall be required for activities involving local and foreign tourists. The Municipal LGU shall designate the accredited tour guide for the area. The tour guide must orient the tourists on the do's and don'ts within the MPA, among others.
- e) The activity shall not disturb or lead to deterioration of natural resources and ecosystems especially the endangered and vulnerable species and ecosystems.
- f) The collection of wildlife is strictly prohibited.
- g) The activity must follow the GREEN FINS protocol.

16.6. Navigation

Navigation may be allowed in the buffer zone, subject to the following requirements:

- 1) The MPA management body, with assistance of the MAO, shall designate the navigation sub-zone in the buffer zone and install marker buoys and flags to delineate the same.
- 2) Navigation in the designated sub-zone shall be limited to tourist and fishing boats of not more than three (3) gross tons.
- 3) The boat and the fisherfolk must be duly registered in the municipality.
- 4) The boat must navigate only within the designated navigation sub-zone.
- 5) Anchoring in the navigation sub-zone is strictly prohibited.

16.7. Mooring

Mooring may be allowed in the buffer zone, subject to the following requirements:

- 1) The MPA management body, with assistance of the MAO, shall designate the mooring area in the buffer zone, set up markers to delineate the area and install mooring buoys therein.
- 2) Only boats accredited by the management body may moor in the designated mooring area. The management body shall set the requirements for accreditation, which shall include registration of the boat and fisherfolk in the municipality.
- 3) Boats shall not be allowed to moor outside the designated mooring area.
- 4) Anchoring in coral reefs is strictly prohibited.
- 5) Dumping and throwing of garbage, oil and other lubricants within the area is strictly prohibited.

All activities not listed above are prohibited in the Buffer Zone.

Section 17. User Fees. The following user fees shall be paid for the allowed activities:

Activity		User Fees
Swimming	Local	40.00/person/day
	Foreign	50.00/person/day
Snorkeling	Local	150.00/person/day
	Foreign	200.00/person/day
SCUBA diving with no camera	Local	300.00/person/day
	Foreign	500.00/person/day
SCUBA diving with camera	Local	500.00/person/day
	Foreign	1,000/ person/day
Kayaking	Local	150.00/person/day
	Foreign	200.00/person/day

The residents of the Municipality of San Benito are exempted from paying the user fee. Twenty percent (20%) discount is hereby granted to all Surigaonons as long as they can provide proof that they are residing in Surigao del Norte province.

The Municipal LGU, in collaboration with the MPA management body shall establish the mechanism for the collection of the user fees.

Section 18. Trust Fund. There is hereby established the Sta. Cruz MPA Trust Fund for purposes of financing and sustaining the activities and projects of Sta. Cruz MPA. Income generated from the operation and management of Sta. Cruz MPA shall accrue to the Trust Fund. The sources of the Sta. Cruz MPA Trust Fund shall include the following:

- a) Share of the MPA in the user fees as provided in this Ordinance;
- b) Funds raised through other identified financing mechanisms for Sta. Cruz MPA;
- c) Support from Congressman/Senator CDF;
- d) Donations and grants from foreign or domestic sources; and
- e) Other sources as may be identified by the Municipal LGU.

The Trust Fund shall be managed by the management body.

Section 19. Uses of the Fund. The Sta. Cruz MPA Trust Fund may be used for the following, subject to existing accounting, budgeting and auditing rules and regulations:

- a) Site development, repair, and maintenance of MPA facilities (such as guardhouse, marker buoys, signage, billboards, information center, solar lights, and batteries)
- b) Operation of patrol boats (such as fuel, lubricants)
- c) Maintenance of patrol boats (such as paints, engine parts, hull, outriggers)
- d) Purchase of enforcement equipment (such as patrol boats, GPS, flashlight, search light, maps, binocular, megaphone, 2-way handheld radio, waterproof camera, night vision telescope)
- e) Bantay Dagat and management body honoraria and materials (such as uniforms, gloves, raincoats, boots, insurance)
- f) Other operating expenses (such as coffee, sugar, meals – *during enforcement*, transportation, supplies, and equipment, meeting expenses)
- g) Livelihood programs and other management strategies (such as capacity development, IEC, rehabilitation)

Section 20. Prohibited Acts. The following acts are prohibited:

- a) Non-compliance with the requirements, conditions and process prescribed for the allowed activities in the core zone and buffer zone
- b) Violation of the terms and conditions prescribed for the allowed activities
- c) Destruction of natural resources in the MPA
- d) Collection of wildlife resources from the MPA
- e) Navigating outside the designated navigation sub-zone
- f) Anchoring inside the designated navigation sub-zone
- g) Mooring or anchoring of boats that are not accredited by the Management Board/Council
- h) Mooring or anchoring outside the designated mooring area
- i) Anchoring in coral reefs
- j) Dumping and throwing of garbage, oil and other lubricants within the MPA
- k) Fishing inside the MPA
- l) Undertaking any act in the MPA that is not allowed by this Ordinance

Section 21. Penalties. Violation under this Ordinance shall be penalized as follows:

- a) The following penalties shall be imposed upon any person who violates paragraphs (a) or (b) of Section 18 hereof:

First Offense - Fine of Five Hundred Pesos (P500.00)

Second Offense - Fine of One Thousand Five Hundred Pesos (P1,500.00)

Third Offense and up - Fine of Two Thousand Five Hundred Pesos (P2,500.00) and Three (3) days community service

- b) A fine of Two Thousand Five Hundred Pesos (P2,500.00) and/or imprisonment for a period not exceeding six (6) months, or both such fine and imprisonment at the discretion of the court shall be imposed upon any person for violation of paragraphs (c), (d), (e), (f), (g), (h), (i), (j), (k) or (l) of Section 18 hereof. If the violation involves fishing inside the MPA, the fish catch, fishing gear and fishing vessel used shall be confiscated in addition to the penalties imposed.

Violation of any applicable national law inside the MPA shall be charged and penalized under the national law violated.

Section 22. Incentives and Benefits for Enforcers. The Municipal and Barangay LGUs shall provide incentives and benefits to enforcers of Sta. Cruz MPA such as, but not limited to, financial incentives, insurance, uniform, ID Card, and patrolling gears and paraphernalia.

Section 23. Sharing Scheme. - All amount collected and received by the municipality from the user fees and fines and penalties shall be divided as follows:

User Fees

- a) Ten percent (10%) shall be deposited to the SIPLAS Integrated Protected Area Fund- Retained Income Account (IPAF-RIA).
- b) Forty percent (40%) shall go to the MPA Management Body trust fund or account.
- c) Twenty five percent (25%) shall be retained by the municipality.
- d) Twenty five percent (25%) shall be allocated to Barangay Sta. Cruz and shall be used by the barangay LGU for the maintenance and enforcement operation of the MPA.

Fines and Penalties

- a) Fifty percent (50%) shall go to the enforcers of Sta. Cruz MPA
- b) Twenty five percent (25%) shall go the Sta. Cruz MPA Trust Fund or account
- c) Twenty five percent (25%) shall go to the municipality

Section 24. Budget. The budget for the management, operation and protection of Sta. Cruz MPA shall be prepared by and included in the annual budget of the Municipal Agriculture's Office.

Section 25. Separability Clause. If any provision of this Ordinance or the application of such provision to any person or circumstances is declared invalid, the remainder of the Ordinance or the application of such provision to other persons or circumstances shall not be affected by such declaration.

Section 26. Repealing Clause. All ordinances, executive orders, rules and regulations or parts thereof which are inconsistent with this Ordinance are hereby repealed or modified accordingly.

Section 27. Effectivity. This Ordinance shall take effect fifteen (15) days after a copy of the Ordinance is posted in a bulletin board at the entrance and in at least two other conspicuous places of the municipal building and the ordinance has been published once in a local newspaper of general circulation in the municipality.

PASSED AND ENACTED this, 30th day of September 2024.

XX


We hereby certify to the correctness of the foregoing Ordinance.


HON. CINDY R. AGATI
SB Member



HON. CHARLITO E. MENDAVIA
SB Member


HON. ALDREIN C. GLIMANE
SB Member


HON. DELEYN P. LABOLA
SB Member


HON. WILLIAM A. POLICAN
SB Member

HON. JAYROM P. CABALLEJOS
SB Member


HON. WELLYBEL A. REQUIRME
Municipal Vice Mayor
Presiding Officer

Attested:


MELQUIADES G. MANTILLA, MA, MPA
Municipal Government Department Head 1
Sangguniang Bayan Secretary

APPROVED: 10/02/2024


HON. Ma. GINA SUMANDO – MENIL, LCB
Municipal Mayor