



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	Municipal Vice Mayor / Presiding Officer
Hon. Cindy R. Agati	Sangguniang Bayan Member
Hon. Charlito E. Mendavia	Sangguniang Bayan Member
Hon. Aldrein C. Glimane	Sangguniang Bayan Member
Hon. Delfin P. Labola	Sangguniang Bayan Member
Hon. William A. Polican	Sangguniang Bayan Member
Hon. Jayrom P. Caballejos	Sangguniang Bayan Member

ABSENT:

Hon. Puyat P. Sumando	Sangguniang Bayan Member
Hon. Felix B. Sumando Sr.	Sangguniang Bayan Member
Hon. Ruella T. Rulete	Ex-Officio / LNMB President
Hon. Aira Mae C. Galano	Ex-Officio / SKF President

MUNICIPAL ORDINANCE NO. 160 - 24 Series of 2024

“AN ORDINANCE ENACTING THE FISHERIES REGULATION IN THE MUNICIPALITY OF SAN BENITO, SIARGAO ISLAND, SURIGAO DEL NORTE AND ITS ADJACENT WATER, PROVIDING PENALTIES FOR VIOLATION THEREOF, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSE”

WHEREAS, Article XII, Section 2 of the 1987 Philippine Constitution provides that all lands of the public domain and all natural resources belong to the State;

WHEREAS, Article XII, Section 2 of the 1987 Philippine Constitution further provides that the exploration, development, and utilization of natural resources shall be under the full control and supervision of the State;

WHEREAS, Republic Act (R.A.) No. 8550, also known as The Philippine Fisheries Code of 1998, as amended by R.A. No. 10654, Section 16 provides that the municipal/city government shall have jurisdiction over municipal waters as defined in the Code; that the municipal/city government shall be responsible for the management, conservation, development, protection, utilization, and disposition of all fish and fishery/aquatic resources within their respective municipal waters; and that the municipal/city government may enact appropriate ordinances for this purpose and in accordance with the National Fisheries Policy;

WHEREAS, as defined in R.A. No. 8550, Section 4, par. 58, municipal waters do not include waters that are within protected areas as defined under R.A. No. 7586, also known as the National Integrated Protected Areas System (NIPAS) Act, as amended by R.A. No. 11038, also known as the Expanded NIPAS (ENIPAS) Act;

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;

WHEREAS, R.A. No. 7586, as amended by R.A. No. 11038 provides for the creation of a Protected Area Management Board (PAMB) for each protected area and prescribes their powers and functions, which include the powers to oversee the management of the protected area and to approve policies, plans and programs, proposals, agreements, and other related documents for the management of the protected area;

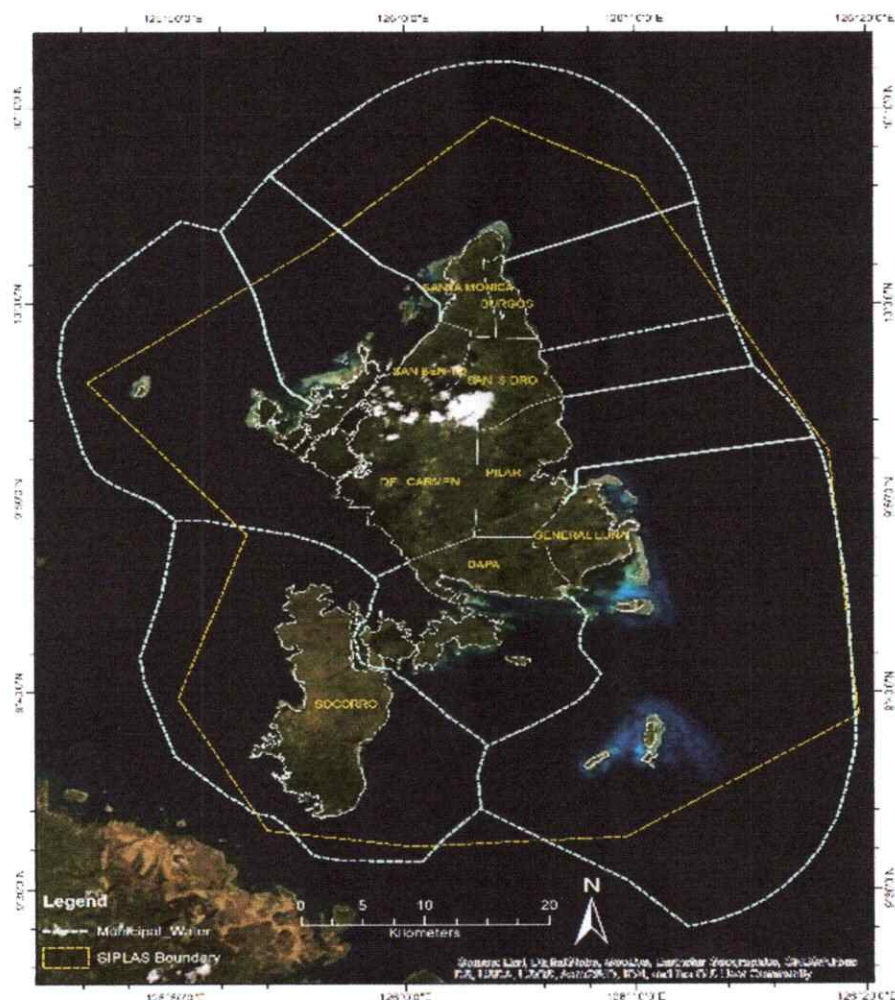
WHEREAS, the SIPLAS PAMB passed Resolution No. 2021-143 on June 24, 2021, that affirmed all municipal fishery ordinances and other fishery related regulations of the nine (9) Local Government Units (LGUs) within SIPLAS pending the passage of a SIPLAS PAMB Resolution providing for a unified fishery regulation;

WHEREFORE, for and in consideration of the foregoing premises and upon the motion of Sangguniang Bayan Member Aldrein C. Glimane duly seconded by Sangguniang Bayan Member Cindy R. Agati,

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 and referred to as “The Fisheries Regulation of the Municipality of San Benito of 2024”.

Section 2. Scope And Coverage. – The provisions of this Fisheries Ordinance shall apply to adjacent waters as defined herein and remaining municipal waters of San Benito. Provided, that the Municipal Government of San Benito shall have sole jurisdiction and authority over the remaining municipal waters. The map showing the boundaries of SIPLAS is hereby illustrated as follow:



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

- 1) *Adjacent Waters* – refer to portions of protected area waters adjacent to the LGU that would have been part of the municipal waters of the LGU, as delineated by the National Mapping and Resources Inventory Authority (NAMRIA), if the protected area was not established (see Annex “A” for reference).
- 2) *Aquaculture* – refers to fishery operations involving all forms of raising and culturing fish and other fishery species in fresh, brackish and marine water areas.
- 3) *Aqua silviculture* – refers to culture of fish and/or fishery/aquatic products alongside propagation of mangroves.
- 4) *Aquatic resources* – includes fish, all other aquatic flora and fauna and other living resources of the aquatic environment, including, but not limited to, salt and corals.
- 5) *BoatR* – registration of fishing vessel in the municipality below three gross tons (GT) described under EO 305, Series of 2004.
- 6) *Catch Ceilings* – the annual catch limits allowed to be taken, gathered or harvested from any fishing area in consideration of the need to prevent overfishing and harmful depletion of breeding stocks of aquatic organisms.
- 7) *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 SIPLAS waters.
- 8) *Commercial Fishing* – the taking of fishery species by passive or active gear for trade, business & 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 3.1 gross tons (GT) up to twenty (20) GT;
 - b) Medium scale commercial fishing - fishing utilizing active gears and vessels of 20.1 GT up to one hundred fifty (150) GT; and
 - c) Large commercial fishing - fishing utilizing active gears and vessels of more than one hundred fifty (150) GT.
- 9) *Community Service* – any service or activity that is performed for the benefit of the community or its institutions in lieu of payment of fine imposed as administrative penalty.
- 10) *Coral* – the hard calcareous substance made up of the skeleton of marine coelenterate polyps which include reefs, shelves and atolls or any of the marine coelenterate animals living in colonies where their skeletons form a stony mass. They include: (a) skeletons of anthozoan coelenterates characterized as having a rigid axis of compact calcareous or horny spicules, belonging to the genus *Corallium* as represented by the red, pink, and white corals which are considered precious corals; (b) skeletons of anthozoan coelenterates characterized by thorny, horny axis such as the *Antipatharia*'s represented by the black corals which are considered semiprecious corals; and (c) ordinary corals which are any kind of corals that are not precious nor semi-precious.
- 11) *Coral Reef* – a natural aggregation of coral skeleton, with or without living coral polyps, occurring in intertidal and subtidal marine waters.

- 12) *Ecosystem* – refers to dynamic complex of plant, animal, and micro-organism communities, and their non-living environment, interacting as a functional unit.
- 13) *Endangered Rare and/or Threatened Species* – aquatic plants, animals, including some varieties of corals and sea shells in danger of extinction as provided for in existing fishery laws, rules and regulations or in the Biodiversity Management Bureau of the Department of Environment and Natural Resources (DENR) and in the Convention on the International Trade of Endangered Species of Flora and Fauna (CITES).
- 14) *Fine Mesh Net* – net with mesh size of less than three centimeters (3 cm.) measured between two (2) opposite knots of a full mesh when stretched or as otherwise determined by the appropriate government agency.
- 15) *Fish and Fishery/Aquatic Products* – include not only finfish but also mollusks, crustaceans, echinoderms, marine mammals, and all other species of aquatic flora and fauna and all other products of aquatic living resources in any form.
- 16) *Fish Aggregating Device (FAD)* (locally known as “payao”) – refers to a device consisting of a floating raft made of bamboo and other materials which are anchored by a weighted line with suspended materials such as palm fronds to attract and aggregate pelagic schooling fish species.
- 17) *Fish Cage* – refers to an enclosure which is either stationary or floating made up of nets or screens 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 types of anchors and boats.
- 18) *Fish Corral or “Baklad”* – 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.
- 19) *Fish Fry* – a stage at which a fish has just been hatched usually with sizes from 1-2.5 cm.
- 20) *Fish Pen* – an artificial enclosure constructed within a body of water for culturing fish and fishery/aquatic resources made up of poles closely arranged in an enclosure with wooden materials, screen or nylon netting to prevent escape of fish.
- 21) *Fish Trap* – Fixed impound nets, usually supported by either bamboo or wood stakes or held in place and maintained in form by a combination of floats or buoys and weight or anchor. The catch is naturally confined in a collecting unit and escape is prevented by labyrinths and/or non-return devices where entrance is such that fish has easy entrance but difficult escape.
- 22) *Fish Worker* – a person regularly or not regularly employed in commercial fishing and related industries, whose income is either in wage, profit-sharing or stratified sharing basis, including those working in fish pens, fish cages, fish corrals/traps, fishponds, prawn farms, sea farms, salt beds, fish ports, fishing boat or trawlers, or fish processing and/or packing plants. Excluded from this category are administrators, security guards and overseers.
- 23) *Fisherfolk* – people directly or personally and physically engaged in taking and/or culturing and processing fishery and/or aquatic resources.

- 24) *Fisherfolk Cooperative* – a duly registered association of fisherfolk with a common bond of interest, who have voluntarily joined together to achieve a lawful common social or economic end, making equitable contribution to the capital requirement and accepting a fair share of the risks and benefits of the undertakings in accordance with universally accepted cooperative principles.
- 25) *Fisherfolk Organization* – an organized group, association, federation, alliance or an institution of fisherfolk which has at least fifteen (15) members, a set of officers, a constitution and by-laws, an organizational structure and a program of action.
- 26) *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 resource thereof.
- 27) *Fishery Species* – all aquatic flora and fauna including, but not restricted to, fish, algae, coelenterates, mollusks, crustaceans, echinoderms and cetaceans.
- 28) *Fishing* – the taking of fishery species from their wild state or habitat, with or without the use of fishing vessels.
- 29) *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.
- 30) *Fishing Gear* - any instrument or device and its accessories utilized in taking fish and other fishery species.
- 31) *FishR* – a system developed by BFAR for the purpose of registering fisherfolk, fish workers, fish vendors and others who are engaged in fishery activities.
- 32) *Gleaning* – a fishing method involving gathering, collecting, and catching of fishery/aquatic species in shallow freshwaters, coastal and estuarine waters or in habitats exposed during low tide.
- 33) *Gross Tonnage* – includes the underdeck tonnage, permanently enclosed spaces above the tonnage deck, except for certain exemptions. In broad terms, all the vessel's 'closed-in' spaces expressed in volume terms on the bases of one hundred cubic feet (that equals one gross ton).
- 34) *Habitat* – the place or environment where a plant or an animal naturally or normally lives and grows.
- 35) *Mangroves* – a community of intertidal plants including all species of trees, shrubs, vines and herbs found on coasts, swamps, or border of swamps.
- 36) *Mangrove Area* – the area found along the seacoast and estuaries whether sparsely or thickly vegetated with true and/or associated mangrove species, or open swampy areas, including brackish fishponds, extending along stream where the water is brackish.
- 37) *Mariculture* – refers to sea farming of aquatic plants and fishes.
- 38) *Marine Protected Area* – means a defined area of the sea established and set aside by law, administrative regulation, 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.

39) *Multiple Use Zone* – refers to the area where settlement, traditional and sustainable land and water use including agriculture, agroforestry, aquaculture, extraction activities, and income-generating or livelihood activities, may be allowed to the extent prescribed in the protected area management plan;

40) *Municipal Waters* – include not only streams, lakes, inland bodies of water and tidal waters within the municipality which are not included within the protected areas as defined under Republic Act No. 7586 (The NIPAS Law), public forest, timber lands, forest reserves or fishery reserves, but also marine waters included between two (2) lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline including offshore islands and fifteen (15) kilometers from such coastline.

41) *Protected Area* – refers to identified portions of land and/or water set aside by reason of their unique physical and biological diversity and protected against destructive human exploitation.

42) *Protected Area Waters* – refer to all waters, whether inland or marine, that are within the boundaries of Siargao Island Protected Landscape and Seascape as established under R.A. No. 11038.

43) *Protected Landscape and Seascape* – refers to areas of national significance which are characterized by the harmonious interaction of man and land and water while providing opportunities for public enjoyment through recreation, tourism, and other economic activities.

44) *Sea farming* - The stocking of natural or hatchery-produced marine plants and animals under controlled conditions for rearing and harvesting purposes not limited to commercially-important fishes, mollusks (such as pearls and other bivalves) including seaweeds and seagrasses.

45) *Strict Protection Zone* – refers to portions within protected areas that are closed to human activities by virtue of their significant biodiversity value, high susceptibility to geo-hazard, and identification as permanently dangerous. These areas may also include habitats of threatened species, or degraded areas that are designated for restoration and subsequent protection, regardless of their stages of regeneration.

46) *Trammel Net* – a trammel net consists of two/three layers of netting with a slack small mesh inner netting between two layers of large mesh netting within which fish will entangle. These nets are strings of single, double or triple netting walls kept more or less vertical by floats on the headrope and mostly by weights on the groundrope. These are occasionally set in strings.

47) *UFR* – shall mean Unified Fishery Regulation.

Section 4. Registration of Fisherfolk. All persons who are engaged in fisheries activities in the Municipality of San Benito, such as, but not limited to, fish capture, gleaning, processing, aquaculture, mariculture, fish workers, fish vendors and fish traders shall register at the Municipal Agriculture Office (MAO). Registered fisherfolk shall have priority in accessing government projects, livelihood programs, and other similar projects and programs

Section 5. Requirements for Registration of Fisherfolk. All Applicants for registration shall submit the following requirements:

1. Accomplished unified application form hereby attached as Annex "B"
2. Certification of good fishing practice and proof of residency from the barangay where the applicant is a resident. The barangay shall also certify that the applicant is a bonafide fisherfolk and residing in the barangay for at least six months.
3. For associations, organizations and cooperatives engaged in cooperative fishing and/or group fishing activities such as capture fisheries, processing, aquaculture, and mariculture, a Certificate of accreditation from the Sangguniang Bayan of the Municipality shall be submitted.
4. Any government-issued identification including voter's ID or voter's certificate.
5. 1x1 photo of the applicant
6. Official receipt issued by the Municipal Treasurer Office as proof of payment for the issuance of the fisherfolk ID.

Section 6. Procedure for Registration of Fisherfolk. Upon the submission of the requirements, the MAO shall verify the documents and review the record of the applicant for violations based on police report, bantay dagat report, barangay blotter, and MFARMC endorsed list. Provided that, if found that the applicant has committed three or more violations of the LGU ordinance on fisheries, or at least one violation of R.A. No. 7586 as amended by R.A. No. 11038, R.A. No. 8550 as amended by R.A. No. 10654, and other national environment and natural resources laws, he/she shall not be allowed to register for one year from the date of final judgement of conviction.

Once the application is cleared, the MAO shall endorse the application of the fisherfolk to the Office of the Mayor for approval and signature.

The MAO shall commence the encoding of the name of the fisherfolk in the municipal fisheries registry after the approval of the Mayor. The MAO shall provide a copy of the registry of fisherfolk to the Protected Area Management Office (PAMO). The MAO shall update the registry annually or as often as may be necessary and provide a copy of the updated registry to the PAMO.

Upon the approval of the application by the Municipal Mayor and generation of the FishR number from the BFAR, the FishR number shall serve as the fisherfolk ID number. The MAO shall issue a fisherfolk ID based on the agreed format, which is attached hereto as Annex "C". The Municipal Mayor and the Protected Area Superintendent (PASU) shall be the signatories of the fisherfolk ID.

Section 7. Additional Guidelines for the Registration of Fisherfolk. The following additional guidelines shall apply to the fisherfolk registration:

1. **Validity** – The registration of fisherfolk shall have a lifetime validity. All registration and IDs issued prior to the approval of this Ordinance shall remain valid for a period of one year from the effectivity of this UFR. Prior to the expiration of the one-year period, the concerned fisherfolk shall submit a new application following the requirements and procedure prescribed in this Ordinance. In case of loss of the ID or change in information, the fisherfolk shall apply for the issuance of a new fisherfolk ID with corresponding payment.
2. **Updating of registry** - The fisherfolk registry shall be updated by the MAO annually or as often as may be necessary. The MAO shall submit a copy of the updated fisherfolk registry to the PAMO two months after the completion of the updated registry.
3. **Cancellation of registration** – The grounds for the cancellation of the registration of fisherfolk are as follows:

- a. Death of the fisherfolk;
- b. Transfer of residence to a different municipality;
- c. Change of occupation as attested by the MAO;
- d. Violation of the LGU fisheries ordinance or national law as provided in Section 6 above.

4. PAMB recognition – After the issuance of the fisherfolk ID, the PASU shall present the list of registered fisherfolk to the PAMB Committee on Community Management and PAMB Execom for recognition as registered fisherfolk in SIPLAS through a PAMB resolution.

5. The Fisherfolk ID is an official government-issued identification card certified by the PASU and the LGU where the fisherfolk is registered. It is hereby recognized as an official identification of the bearer for other purposes necessary.

Section 8. Registration of Fishing Boats. All motorized and non-motorized fishing boats operating within the Municipality of San Benito adjacent waters and remaining municipal waters shall be registered annually in the municipality and the corresponding licenses secured from the Municipal LGU in accordance with the guidelines and procedures prescribed in this Ordinance. The MAO shall be the lead office of the municipality to process the registration of all motorized and non-motorized fishing boats. The MAO shall conduct mobile registration through one-stop shops. The PAMO shall assign personnel in the one-stop-shops for the issuance of the PAMB Clearance, collection of fees, and to ensure compliance with PAMB requirements for motorized conveyances during the fishing boat registration activity in the municipality.

Section 9. Requirements for Registration of Fishing Boats. The requirements for registration of fishing boats are as follows:

1. The applicant for fishing boat registration must be a registered fisherfolk. For cooperatives, associations and organizations, the President must be a registered fisherfolk.
2. Only fishing boats of three (3) gross tons and below shall be allowed to be registered in the municipality.
3. The applicant shall secure and attach the following to the application form:
 - a. Accomplished application form
 - b. Photocopy of fisherfolk ID
 - c. Barangay certification as proof of residency
 - d. Photo of both sides of the boat showing that the owner complied with the prescribed color-coding and identification marks as provided in Section 11 and 13 of this Ordinance.
 - e. PNP Maritime clearance
 - f. PAMB clearance for motorized fishing boats. The PAMO and the MAO shall coordinate in the issuance of the PAMB clearance.

Section 10. Limitation on the Number of Fishing Boats. The Municipality of San Benito shall limit the number of fishing boats to be registered in the municipality based on the following:

1. Presence and capacity of docking area;
2. Zoning of the adjacent waters;
3. Results of research and studies of habitats, fish stock assessment and other related studies.

Section 11. Procedure for Registration of Fishing Boats. The procedure for the registration of fishing boats shall be as follows:

A. For motorized fishing boats

1. Submission to the MAO of the accomplished application form with the requirements listed in Section 9 (no. 3) attached;
2. Admeasurement of the boat by an authorized admeasurer;
3. Secure a certificate of number (CN) in accordance with Executive Order (EO) 305, s. 2004 and following the BoatR process;
4. The registered number shall be clearly painted on both sides of the forward part of the fishing boat;
5. The dominant color of the fishing boat above the waterline (60% of the fishing boat) shall be the color code of the municipality;
6. The name of the fishing boat shall be painted on both sides of the mid portion of the boat;
7. The word "SIPLAS" shall be painted on both sides of the rear portion of the fishing boat;
8. Payment of the registration fee at the Municipal Treasury Office;
9. Issuance of Motorboat Operator's License (MBOL) signed by the Municipal Mayor and the PASU;
10. Submission of the registry of fishing boats by the MAO to the PAMO.

B. For non-motorized fishing boats

1. Submission to the MAO of the accomplished application form with the requirements listed in Section 9 (no. 3) attached, as may be applicable;
2. The dominant color of the fishing boat above the waterline (60% of the fishing boat) shall be the color code of the municipality;
3. Secure a certificate of number (CN) in accordance with Executive Order (EO) 305, s. 2004 and following the BoatR process;
4. The word "SIPLAS" shall be painted on both sides of the rear portion of the fishing boat;
5. Payment of the registration fee at the Municipal Treasury Office;
6. Issuance of Non-motorized Boat Operator's License signed by the Municipal Mayor and the PASU;
7. Submission of a copy of the registry of fishing boats by the MAO to the PAMO.

The Implementing Guidelines of EO 305, Series of 2004, "Devolving to Municipal and City Governments the Registration of Fishing Vessels Three (3) Gross Tonnage Below" shall be adopted by the municipality.

Section 12. Validity of Fishing Boat Registration. The registration of the fishing boat and the boat operator's license issued in line therewith shall be valid for one (1) year. The fishing boat registration shall be renewed annually in the manner prescribed in the UFR and this Ordinance. The licensee shall renew the boat registration within thirty (30) days prior to the expiration of the registration and license.

Section 13. Color Coding of Fishing Boats. – Prior to the issuance of any fishing boat registration, license, permit or clearance as required above, every fishing boat operating within the Municipality of San Benito, the adjacent waters and remaining municipal waters shall be painted with the color code of the municipality as prescribed in the UFR. In line with this, the dominant color of the fishing boat above the waterline covering an area of 60% of the fishing boat shall be YELLOW or GOLDEN YELLOW.

Section 14. Grounds for Denial. – The grounds for the denial of the application for registration of fishing boat or the renewal thereof or application for clearance are as follows:

1. Fraudulent, false or misleading statement in the application;
2. Failure to pay the prescribed application fees or to comply with the requirements;
3. Such other instances analogous to any of the foregoing grounds; and
4. Non-compliance with the prescribed color coding and design.

Section 15. Registration of Fishing Gears. All fishing gears allowed under this Ordinance shall be registered annually in the municipality and the corresponding licenses or permits secured from Municipal LGU in accordance with the guidelines and procedures prescribed in this UFR. The MAO shall be the lead office of the municipality to process the registration of all fishing gears.

Section 16. Persons Allowed to Register Fishing Gears. Only registered fisherfolks in the municipality shall be allowed to register fishing gears except for resorts with fishing gears used by tourists for leisure. In the case of resorts, the duly authorized representative of the resort shall register the fishing gears with the municipality and shall specify in the application that the same will be used for leisure purposes only.

Section 17. Procedure for Registration of Fishing Gears. The procedure for the registration of fishing gears shall be as follows:

1. Submission to the MAO of the accomplished application form with a copy of the fisherfolk ID attached. In the case of resorts, certification from the owner of the resort or proof that the applicant is the duly authorized representative of the resort shall be attached in lieu of the fisherfolk ID.
2. Screening by the MAO of the application and if found to be in order, the MAO shall validate the number of fishing gears owned by the applicant based on the inventory of fishing gears to ensure compliance with the UFR and this Ordinance.
3. Payment of the registration fee at the Municipal Treasury Office;
4. Issuance of gear license. The Municipal Mayor and the PASU shall be the signatories of the gear license;
5. Posting by the MAO of the list of licensed gears per fisherfolk at the municipal and barangay bulletin boards.

Section 18. Submission to the PAMO. The MAO shall submit a copy of the registry of fishing gears and boats to the PAMO. The PASU shall present the list of registered fishing gears to the PAMB Committee on Community Management and PAMB ExeCom for information.

Section 19. Inventory and Registry of Fishing Gears. The MAO shall conduct an annual inventory of fishing gears per fisherfolk registered in the municipality and shall maintain a registry of fishing gears.

Section 20. Validity and Conditions. The registration of the fishing gear and the fishing gear license issued in line therewith shall be valid for one (1) year. The fishing gear registration shall be renewed annually in the manner prescribed in the UFR and this Ordinance. The fisherfolk shall renew the fishing gear registration within thirty (30) days prior to the expiration of the registration and license. The fishing gear license shall be subject to the following conditions:

1. It shall be non-transferable;
2. The licensee shall comply with all the laws, orders, policies, ordinances and rules and regulations governing fishing in the protected area waters and in municipal waters when applicable;
3. The licensee shall assume full responsibility for any and all acts undertaken in his/her/their fishing activities.

Section 21. Reduction and Limitation on the Number of Fishing Gears. The Municipal LGU shall reduce the number of fishing gears that may be registered in the municipality by at least 20% of the current number to replenish the fish stocks. The Municipal Government of San Benito shall limit the kind and number of fishing gears to be registered in the municipality based on the following:

1. Target species;
2. Zoning of the adjacent waters;
3. Results of research and studies of habitats, fish stock assessment, and other related studies.

Section 22. License to Operate Fish Traps, Pens or Corrals, Fish Cages, and Other Facilities for the Culture of Fish and Other Fishery Products. All operators or owners of fish traps, fish pens, fish corrals, fish cages, and other facilities for the culture of fish and other fishery products shall be required to secure a license to operate such structures and aquaculture and/or mariculture facilities from the Municipal LGU, and pay the appropriate fees, in accordance with this Ordinance; *Provided*, that the following are complied with:

1. The owner or operator shall secure a PAMB clearance;
2. The fish traps, fish pens, fish corrals, fish cages, and such other aquaculture or mariculture facilities are installed and operated only within the allowed zones/sub-zones in accordance with the SIPLAS Management Plan;
3. Guidelines prescribed under national laws and policies shall be complied with;
4. The use of Styrofoam shall be prohibited;
5. The owner or operator shall submit a rehabilitation/abandonment plan that must contain a plan or program for extracting all posts and damaged nets in the area.
6. For hatcheries and fish culture, the PAMB shall issue additional regulations on hatchery establishment and the list of species that may be cultured.

Provided, that the operator or owner shall apply for a Special Use Agreement in Protected Areas (SAPA) if the facility is covered by the DENR Administrative Order on SAPA.

Section 23. Regulation of Fishing Gears and Fishery Activities. – The following regulations shall apply to and be enforced in the registration, licensing and use of fishing gears and for fishery activities specified herein:

A. Nets – Only the following nets shall be allowed to be registered and used in SIPLAS:

1. Single-net (gill net) with mesh size of three (3) centimeters and above and a maximum length of five hundred (500) meters;
2. The use of beach seine may be allowed provided that it is used only for catching of species that by their very nature are small but already mature such as alamang (angsohan), anchovies (bolinao), herring species (dumod-ot, mayubgas and po-ot po-ot). *Provided* that, beach seine shall not be used within seagrass and corals areas. *Provide* further that beach seine shall not be allowed within rivers and inlets.

B. Fish Pots and Traps

1. Fish traps locally known as “panggal”, “buntog” and traps of similar size shall have a mesh size of four (4) centimeters and above except for catching shrimp.
2. Each fisherfolk shall be allowed to register and use a maximum of twenty (20) units only.

3. The installation of “panggal”, “buntog”, “timing” and “bobo” shall be prohibited in coral reefs. These fishing gears must be installed at least 50 meters away from the coral reef area.

4. Traps or barrier nets locally known as “lakub”, “lambat” and “lapad” shall not be allowed in SIPLAS. This is because the catch of this fishing gear is not selective as it includes small and juvenile fish and fishery/aquatic products.

5. Fish corrals (bungsod) shall have a maximum wing length of twenty (20) meters, maximum leader length of fifty (50) meters, mesh size of three (3) centimeters and above, and with one catching chamber only; Provided, that only one (1) fish corral per fisherfolk shall be allowed. Fish corral shall be constructed at least 100 meters away from another fish corral, and 500 meters away from the MPA, and shall not be installed in coral reef, seagrass areas and navigational areas. Provided, that the Municipal LGU shall limit the number of fish corrals to be allowed within the adjacent waters and remaining municipal waters.

6. Fish traps, fish pens, fish corrals, fish cages and other aquaculture facilities shall be subject to Section 22 hereof. Fish cages may only be constructed in the zone designated by the Municipal LGU consistent with the protected area zoning. There shall be a distance of at least twenty (20) meters between fish cages. Fish cages and fish pens are not allowed in navigational areas and coves.

C. Other means of capture

1. Fishing using manual spear and spear gun is allowed;

2. Simple hook and line, multiple hook and line, single handline (for tuna, sailfish, marlin, other pelagics, and demersal fishes), multiple hooks handline (undak), “margate” (a kind of hook and line fishing gear), and troll line are allowed.

3. Longline fishing such as “palangre” is allowed, provided, that longline with hook size of #12, #13, #14 are prohibited;

4. Fishing rods (mostly used by tourists) are allowed;

5. Squid jigger and octopus lure are allowed.

D. Gleaning shall be allowed, provided that the following are complied with:

1. No destruction of habitats such as corrals, seagrass, and mangroves;

2. No collection of threatened and endangered species and CITES and IUCN listed species.

E. Aqua silviculture shall be allowed, provided that there shall be no destruction of habitats and must be in the designated zones.

Section 24. Ban on Commercial Fishing. Commercial fishing shall not be allowed within SIPLAS waters.

Section 25. Ban on the Use of Compressor (buso) for fishing in SIPLAS. Pursuant to DILG Memorandum Circular No. 129, Series of 2002, entitled “Banning the Use of Compressor as Breathing Apparatus in All Fishing Activities” and the UFR, the use of compressors as breathing apparatus in all fishing activities is hereby prohibited in the Municipality of San Benito.

Section 26. Grounds for Cancellation. The grounds for cancellation of registration, licenses, permits, or clearances are as follows:

1. Fraudulent, false or misleading statement in the application;

2. Failure to comply with the provisions of applicable national laws and LGU ordinances;

3. Construction and operation of fish pen, fish corral, fish cage and other aquaculture activities outside of the designated areas;

4. Non-construction of fish pen, fish corral, fish cage and such other aquaculture facilities within 60 days from the date of issuance of the permit to construct and operate;
5. Abandonment and non-operation of fish pen, fish corral, fish cage and such other aquaculture facilities for 60 days and/or lack of interest of the licensee or permittee to continue the operation thereof;
6. Failure to pay the necessary fees and charges relative thereto;
7. Commission of an act in violation of applicable national laws and LGU ordinances; 8. Failure to comply with any of the conditions set forth in the license or permit;
8. Such other instances analogous to any of the foregoing.

Section 27. Fees. Pursuant to the UFR, there shall be a uniform rate of fees for the registration and licensing of fishing boats, fishing gears, and for other fisheries activities in SIPLAS. The following fees shall be paid to and collected by the Municipal LGU:

A. Fishing Boat Registration – The annual fees for the registration of fishing boats are as follows:

TYPE OF FISHING BOAT	FEE
1. Non-motorized	
• Boat	P100.00
• Flat boat	P100.00
2. Motorized	
• 3 to 6 horsepower	P100.00
• 7 to 15 horsepower	P150.00
• 16 to 65 horsepower	P300.00
• 66 horsepower and above	P1,000.00

a. Gears and other fishery activities – The annual fees per type of gear and fishery activity are as follows:

TYPE OF FISHING GEAR OR FISHERY ACTIVITY	FEE
1. Nets and similar gears	
• Nets	P100.00 per 100 meters or a fraction thereof
• Lobster nets	P200.00 per 100 meters
2. Pots and traps	
• Traps locally known as “panggal” and “buntog”	P50.00 per piece
• Crab pots	
• Lift nets for mud crab and red frog crab (kanduyon)	P20.00 per piece

TYPE OF FISHING GEAR OR FISHERY ACTIVITY	FEE
<ul style="list-style-type: none"> Fish pots locally known as “bobo” and “timing” 	Small: P50.00/pc Medium: P100.00/pc Large: P200.00/pc Dimensions (LxWxH): <i>Small:</i> 62-66cm x15-32cm x 2154 cm or a fraction thereof <i>Medium:</i> more than 66cm x more than 32cm x more than 54cm but less than 1.5 meters <i>Large</i> – 1.5m x 1.5m x 1.5m or fraction thereof
3. Other means of capture	
<ul style="list-style-type: none"> Spear gun or “pana” 	P50.00 per unit
<ul style="list-style-type: none"> Hook and line (such as “pasol”, “kati”, “uyang-uyang” and others) 	P50.00 per unit
<ul style="list-style-type: none"> Hook and line (used by tourists and hobbyist) 	P100.00 per unit
<ul style="list-style-type: none"> Multiple hook and line (locally known as “palangre”, “undak”, “margate”) 	P300.00 per unit
<ul style="list-style-type: none"> Squid jigger Octopus lure Troll line (locally known as lambo) 	P100.00 per unit
<ul style="list-style-type: none"> Trap for catching Mantis shrimp; Provided, that berried Mantis shrimp must be released 	P50.00 per unit
4. Aquaculture and other fisheries activities	
<ul style="list-style-type: none"> Fish corral (locally known as “bungsod”) 	P1,000.00 per unit
<ul style="list-style-type: none"> Fish pen 	P10.00 per square meter
<ul style="list-style-type: none"> Fish cage 	P10.00 per square meter
<ul style="list-style-type: none"> Aquasilviculture 	P10.00 per square meter
<ul style="list-style-type: none"> Seaweed farming 	P10.00 per linear meter

Section 28. Sharing Scheme. All amounts collected and received by the municipality, such as but not limited to registration fees, fishery license/permit fees, fish landing fee, auxiliary invoice fee, and other amounts collected resulting from the implementation of the UFR, except for the fines imposed for violations, shall be divided as follows:

- a) Ten percent (10%) shall be deposited to the SIPLAS-PAMB Integrated Protected Area Fund - Retained Income Account (IPAF-RIA);
- b) Ninety percent (90%) shall be retained by the municipality.

The ninety percent (90%) share of the municipality shall be allocated as follows:

- a) Seventy percent (70%) shall be used for the fisheries management operations and activities of the municipality. It shall be managed by the Municipal Agriculture Office or such LGU office in charge of the fisheries program.
- b) Thirty percent (30%) shall be allocated equally to the coastal barangays of the Municipality to be used for the fisheries management activities including marine protected areas and enforcement operations of the barangay.

Section 29. Trust Fund. The Municipality of San Benito shall establish a Trust Fund, which shall be the repository of the share of the municipality in the amounts collected as stated in Section 28 hereof. The municipality shall specify the administrator and the uses of the fund, which, in general, shall be for the fisheries management, conservation, enforcement operations and activities of the municipality. The trust fund shall not be used for the payment of salaries of employees or staff.

Section 30. Zoning. Zoning shall be implemented in protected area waters as a strategy to effectively manage the ecosystems therein, in accordance with the objectives and principles of biodiversity conservation and sustainable development. The protected area waters shall be divided into strict protection zones and multiple use zones in accordance with DENR Administrative Order 2019-05, also known as the Implementing Rules and Regulations of the NIPAS Act, as amended by the ENIPAS Act. The PAMO and the respective municipalities of SIPLAS shall jointly identify and establish the zones and identify the allowed and disallowed activities within each zone.

Strict protection zones shall be closed to human activities except for those allowed under the NIPAS Act as amended by the ENIPAS Act. They may consist of restoration and rehabilitation areas, marine protected areas (MPA) or sanctuaries in coral reef areas, seagrass areas, mangrove areas, and other similar areas. The core zone of all the declared MPAs shall be designated as strict protection zone, thus human activities are prohibited except for protection, research, monitoring, installation and maintenance of markers and buoys.

The PAMO and the Municipal LGU may establish sub-zones within the multiple use zone. The sub-zones may consist of capture fisheries sub-zones, aquaculture sub-zones, ecotourism sub-zones, navigation sub-zones, and other appropriate sub-zones. The PAMO and the Municipal LGUs shall jointly identify the sub-zones or areas where fisheries activities covered by the UFR and this Ordinance. The PAMO and Municipal LGU shall also jointly identify the allowed and disallowed activities within the multiple use zone and sub-zones and the requirements for the allowed activities.

Section 31. Other Regulations. The following regulations shall apply to fish aggregating device, fish catch/production documentation, and closed season:

1. Fish Aggregating Device (FAD) – The installation and use of fish aggregating devices, locally known as “payaos”, are allowed in protected area waters pursuant to the UFR, provided that the following are complied with:
 - a) The FAD shall be installed within the designated zones or areas only;
 - b) Only LGUs, government agencies, NGOs and other institutions may install FADS and only for communal use;

c) Only hook and line and multiple hooks handline shall be used as fishing gears in the FAD area.

2. Fish Catch/Production Documentation – The PAMO shall establish a database and conduct regular fish catch monitoring in collaboration with the Municipal LGU and partner agencies such as the DABFAR. The PAMO and Municipal LGU shall set fish catch quotas pursuant to national policies.

Closed Season – The Municipal LGU, in coordination with the PAMO, shall establish closed season in their respective municipalities to allow gravid fish or marine invertebrate species to spawn during the spawning seasons. In particular, the Municipal LGU shall establish a closed season for siganid species (boras, dangit, lyo-abon, mayagbago, lap, pamiligwison and the like) three days before the new moon and five days after the new moon from February to May. Catching, gathering, selling or possessing siganid species of any size during the closed season is prohibited. The Municipal LGU, in coordination with the PAMO, shall identify other species for establishment of closed season based on scientific studies.

3. Minimum Size Limits – The PAMO and Municipal LGU shall set a minimum size limit for fish and fishery/aquatic products harvested in the wild based on scientific studies.

Section 32. Fish Landing Fee. There is hereby imposed a fish landing fee for fish landed at the municipal landing sites in the amount of P1.00 per kilo of fish landed.

Section 33. Auxiliary Invoice. The Municipality of San Benito shall issue an auxiliary invoice for all fish and fishery products prior to their transport from their point of origin in the municipality to their point of destination in the Philippines and/or export purposes upon payment of a fee in the amount of P1.00 per kilo of fish or fishery products.

Section 34. Coastal and Fisheries Resources Management Plan. The Municipality of San Benito may formulate a Coastal and Fisheries Resources Management Plan (CFRMP) for the adjacent waters. The CFRMP shall be consistent with the Protected Area Management Plan. It shall contain the zones, sub-zones and the allowed/disallowed activities within the zones and sub-zones stated in Section 30 hereof.

Section 35. Violations of National Laws. All violators of national laws such as, but not limited to, R.A. No. 7586 as amended by R.A. No. 11038 and R.A. No. 8550 as amended by R.A. No. 10654 shall be charged and prosecuted under such laws.

Section 36. Other Prohibited Acts. In addition to those prohibited under national laws, the following acts are prohibited within the adjacent waters and remaining municipal waters:

1. Removing, damaging or stealing marker buoys established in marine protected areas (MPAs), rehabilitation areas, declared overfished areas and in designated areas during closed season.
2. Fishing and/or conducting any fisheries activity in adjacent waters of a municipality without fishing gear and boat license, permit, or registration from the municipality concerned.
3. Using a boat color different from the color prescribed for the municipality.
4. Catching, possessing, or selling fry of fish and crustacean species such as herring/sardines, anchovies, freshwater shrimps and rabbitfish.
5. Catching, gathering, selling or possessing siganid species of any size and other marine species during the closed season.

6. Gathering, possessing and selling of abalones or its seedlings, except those sourced from hatcheries.
7. Gathering, catching, possessing, or selling of bumphead parrotfish locally known as "tiaongan".
8. Non-compliance with the number, size or length of fishing gears prescribed in this Ordinance.
9. Operating aquaculture facilities or undertaking aquaculture activities in violation of the prescribed guidelines, or without a license or permit or failure to meet the minimum standards based on the Good Aquaculture Practices.
10. Use of styrofoam in fish traps, fish pens, fish corrals, fish cages and other aquaculture facilities.
11. Installing or setting of traps ("panggal", "buntog", "timing" and "bobo") and fish corral in coral reefs or seagrass areas or outside the designated areas.
12. Transporting of fish and fishery products without an auxiliary invoice.
13. Installing FAD in violation of the provisions of this Ordinance and harvesting fish with the use of gears other than hook and line (bingwit) or multiple hooks handline (undak) within a radius of 50 meters of the FAD.
14. Use of trammel net, filter net (locally known as sanggab), non-motorized push net (locally known as sudsud), fyke net, drift gill net (locally known as pamo), drive in net (locally known as kagot) and such other fishing gears as may be determined by the PAMB.
15. Use of traps or barrier nets locally known as "lakub", "lambat" and "lapad".
16. Commercial fishing in protected area waters.
17. Use of compressor as a breathing apparatus for fishing activities. The discovery of a compressor mounted on or aboard a fishing vessel shall constitute prima facie evidence that the boat operator, fish worker or the person on board that boat or vessel is engaged in fishing with the use of compressor.
18. Anchoring of boats in coral reef and seagrass areas
19. Taking of any animal, plant or abiotic element of the ecosystem within the MPAs, except for scientific purposes and under a permit issued by the PAMB and other national government agencies; Provided, that the PAMB and the Municipality of San Benito shall be furnished with a copy of the results of the scientific studies.

Section 38. Fines and Penalties. – The following fines and penalties shall be imposed on any person who commits any of the prohibited acts listed above:

First Offense:

1. Confiscation of catch
2. Impoundment of fishing gear and boat (if applicable) until fine has been paid and/or community service has been rendered.
3. Administrative fine of One Thousand Pesos (P1,000). If the offender fails to pay the fine, he/she shall render community service of five (5) days

Second Offense:

1. Confiscation of catch
2. Impoundment of fishing gear and boat (if applicable) until fine has been paid and community service has been rendered.
3. Administrative fine of Two Thousand Pesos (P2,000). If the offender fails to pay the fine, he/she shall render community service of ten (10) days

Third Offense and above:

1. Confiscation of catch
2. Confiscation of fishing gear and boat and other paraphernalia (if applicable)
3. Fine of Two Thousand Five Hundred Pesos (P2,500) or imprisonment from one (1) month to six (6) months or both, at the discretion of the court. In

addition, the fisherfolk registration and license of the offender shall be revoked and he/she shall not be allowed to register for a period of 1 year from the revocation.

Provided, that for violations of Section 37 numbers 13-19, the penalties provided for the third offense stated above shall be imposed from the first offense onwards.

Section 39. Sharing Scheme for Fines. The sharing scheme for fines collected for violation of this Ordinance shall be as follows:

1. Bantay Dagat or law enforcers of the municipality: Fifty percent (50%)
2. Municipality: Twenty Five percent (25%)
3. SIPLAS-PAMB IPAF-RIA: Twenty Five percent (25%)

Section 40. Creation of the Municipal Adjudication Board (MAB). The Municipal Government of San Benito shall create the Municipal Adjudication Board (MAB) for administrative proceedings in relation to administrative fines imposed in accordance with this Ordinance. In case the MAB is already existing authority is hereby granted to the MAB over such administrative proceedings.

SECTION 41. Municipal Adjudication Board: Composition, Powers and Functions. There is hereby established a Municipal Adjudication Board (MAB) which shall be composed of the following:

1. Municipal Agriculture Officer/Municipal Agriculturist (MAO/MA)
2. Municipal Environment and Natural Resources Officer (MENRO)
3. Municipal Administrator
4. Municipal Chief of Police
5. Three (3) representatives from MFARMC coming from different sectors
6. A representative from DA-BFAR
7. A representative from DENR PAMO SIPLAS

The MAB shall be vested with the primary authority to hear and decide the following:

1. Any unsettled disputes referred by the Barangay Grievance Committee;
2. Offenses in violation of this Ordinance and related ordinances in accordance with the principles, procedures and rules for administrative cases; and,
3. Upon proper recommendation, impose administrative penalties including suspension or revocation of licenses or permits.

For this purpose, the Municipal Mayor shall issue an Executive Order to constitute the MAB and appoint the officers and members thereof for a term of three (3) years, which is renewable once for a similar term.

Section 42. Creation of Municipal Fishery Law Enforcement Team. The Municipal LGU shall create fishery law enforcement teams to enforce the provisions of this Ordinance and such other ordinances that may be enacted pursuant to the UFR, in coordination with the PAMO.

Section 43. Composition of the Municipal Fishery Law Enforcement Team (MFLET) The Municipal Fishery Law Enforcement Team shall lead in the implementation and enforcement of this Ordinance which composed of the following, to wit:

Chairperson – Municipal Mayor
Co-Chairperson -Municipal Police Station (PNP)
Members – Municipal Agriculture Officer/Municipal Agriculturist (MAO/MA)
Municipal Environment and Natural Resources Officer (MENRO)
Municipal Disaster Risk Reduction and Management Officer (MDRRMO)

Deputized Fish Warden (Bantay Dagat)
Fisheries Technician/Coordinator (MAO)
MFARMC Chairperson
Punong Barangay

Section 45. Functions of Municipality Fishery Law Enforcement Team. The
Municipal Fishery Law Enforcement Team shall have the following functions:

1. Formulate plans, programs, and activities for the effective enforcement of this Code in the municipality;
2. Conduct information, education and communication campaigns geared towards changing behavior and promoting compliance within each barangays, in coordination with the PAMO;
3. Conduct seaborne operation, spot checks, mobile and foot patrol in the area of responsibility on a regular basis;
4. Apprehend violators of fishery laws, rules, and regulations;
5. Coordinate with the DENR SIPLAS PAMB in the enforcement of fishery laws;
6. Undertake various strategic operations, such as, but not limited to, seaborne, land-based, market denial, checkpoints, and against illegal, unreported and unregulated fishing (IUUF).

Section 46. Appropriation. The budget for the management, operation and protection of Pilar adjacent waters shall be prepared by and included in the annual budget of Municipal Agriculture Office.

Section 47. 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.

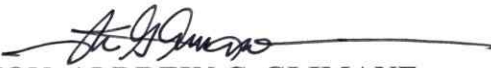
Section 48. Repealing Clause. All ordinances, executive orders, rules and regulations or parts thereof which are inconsistent with this Ordinance are hereby repealed or modified accordingly.

Section 49. Effectivity. This Ordinance shall take immediately 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.

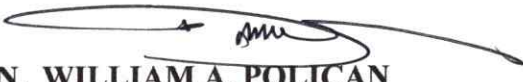
PASSED AND ENACTED this, 30th day of September 2024.
XX
We hereby certify to the correctness of the foregoing Ordinance.


HON. CINDY R. AGATI
SB Member



HON. CHARLITO E. MENDAVIA
SB Member


HON. ALDREIN C. GLIMANE
SB Member

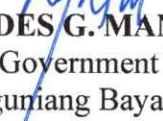

HON. DELEYN P. LABOLA
SB Member


HON. WILLIAM A. POLICAN
SB Member

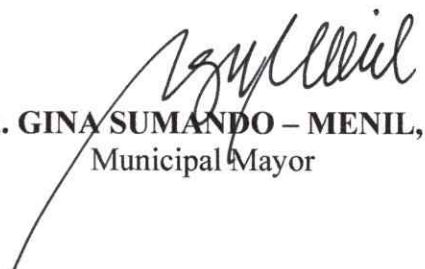

HON. JAYROM P. CABALLEJOS
SB Member


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