



REPUBLIC OF THE PHILIPPINES  
PROVINCE OF PANGASINAN  
LINGAYEN

—oOo—

**OFFICE OF THE SANGGUNIANG PANLALAWIGAN SECRETARY**

# CERTIFICATION

**TO WHOM IT MAY CONCERN:**

*THIS IS TO CERTIFY that at the regular session duly constituted of the Sangguniang Panlalawigan, Province of Pangasinan, held on November 7, 2003 at Lingayen, Pangasinan, the following provincial ordinance was approved:*

**Introduced by SP Members Robert Raymund M. Estrella, Jr.  
and Ariel G. de Guzman**

## **PROVINCIAL ORDINANCE NO. 107-2003**

### **AN ORDINANCE BANNING THE USE OF COMPRESSOR AS A BREATHING APPARATUS IN ALL FISHING ACTIVITIES**

#### **EXPLANATORY NOTE**

**WHEREAS**, recent dialogues conducted by the National Fisheries and Aquatic Resources Management Council with the fisher folk representatives revealed that the use of compressor as a breathing apparatus is hazardous to human;

**WHEREAS**, the findings of the National Fisheries and Aquatic Resources Management Council was corroborated by the Department of Health: a certified report was issued to the effect that the use of compressor as breathing apparatus has resulted to numerous deaths and paralysis;

**WHEREAS**, the use of a compressor as a breathing apparatus in fishing activities has become a usual and common practice by those engaged in fishing activities in the province of Pangasinan;

**WHEREAS**, there is an urgent need to ban the use of a compressor as a breathing apparatus in order to protect the fishermen using it as such from its hazardous effects;

**WHEREAS**, Section 16 of Republic Act 7160, otherwise known as the Local Government Code of 1991, authorizes and empowers the Sanggunian Panlalawigan of adopting ordinance to promote and protect the health and safety of the constituents;



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**NOW, THEREFORE**, on motion of SP Members Robert Raymund M. Estrella, Jr. and Ariel G. de Guzman, duly seconded, be it enacted by the Sanggunian Panlalawigan in a session duly assembled that –

**ARTICLE I. TITLE** – This Ordinance shall be known as “**AN ORDINANCE BANNING THE USE OF COMPRESSOR AS BREATHING APPARATUS IN ALL FISHING ACTIVITIES IN THE PROVINCE OF PANGASINAN**”.

**ARTICLE II. DECLARATION OF POLICY** – It shall be the policy of the Provincial Government of Pangasinan to promote and protect the health and safety of the fisher folk without undermining their rights and privileges to utilize or use the municipal waters in the Province of Pangasinan by virtue of a contract with, or permit from, Government Agencies or Offices.

**ARTICLE III. DEFINITION OF TERMS:**

**Compressor** – refers to a machine that is especially designed to compress gasses

**Fisher folk** - refers to the people directly or personally and physically engaged in taking and/or culturing or processing fishery and aquatic resources

**Fishing Activities** – refers to the taking of fishery species from their wild state or habitat with or without the use of fishing vessel or boat

**Fishing boat or vessel** – refers to any boat, ship or other 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 such as but not limited to preservation, storage, refrigeration, transportation and processing

**Fish worker** – refers to a person employed, whether regular or not, in commercial fishing and related industries, including those working in fish pens, fish cages, fish corrals/traps, prawn farms, fish ponds and the like.

**Paralysis** – refers to the loss or impairment of the ability to move or to have sensation is a bodily part resulting from the injury to the nerve.

**Culprit** – refers to the person who has violated the ordinance, including the conspirator.



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**Permittee/Licensee** – refers to the person granted a Fishing Permit under Provincial Ordinance No. 94-2002 of the Province of Pangasinan to conduct fishing activities in municipal water.

**Illegal fishing** – is the use of explosives, obnoxious/poisonous substances, electricity, muro-ami.

**Deleterious Method of Fishing** – is the use of fishing gear or method which is harmful to the growth of corals and its environment and/or detrimental to marine life.

**Muro-ami** - refers to a Japanese Fishing Gear used in reef fishing which consists of a movable magnet and two detachable wings effecting the capture of fish by spreading the net in arc from around reefs or shoals and with the aid of scaring devices, a cordon of fishermen driving the fish from the reefs toward the bad portion of the whole net.

**ARTICLE IV. PROHIBITED ACTIVITIES –**

**Section I.** -It shall be unlawful for any individual who is engaged in fishing activities to use or cause to be used a compressor as a breathing apparatus.

**Section 2.** -The discovery of a compressor in a fishing boat or vessel while engaged in fishing activities shall constitute a prima facie evidence that the boat operator, fish worker or the person on board that boat or vessel will use the same. If there are two or more persons on board, a conspiracy is disputably presumed.

**ARTICLE V. PENALTIES –**

**Section I. Principal Penalties – The following penalties maybe imposed for any violation of this ordinance, to wit :**

MINIMUM : Imprisonment of not more than two [2] Months;

MEDIUM : Imprisonment of not less than Two Months and One Day but not more than Four Months;

MAXIMUM :Imprisonment of not less than Four Months and One Day but not more than Six Months.

**Section 2. Alternative Penalties** – In lieu of Section I hereof, the Court may impose instead the following Fines as alternative penalties for violation of this ordinance, to wit:



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- MINIMUM : Fine of not more than Two Thousand Pesos [P2,000.00];
- MEDIUM : Fine of not less than Two Thousand Pesos [P2,000.00] but not more Than Four Thousand Pesos [P4,000.00]
- MAXIMUM : Fine of not less than Four Thousand Pesos [P4,000.00] but not more Than Six Thousand Pesos [P6,000.00]

**Section 3.** The Court, in determining and imposing the proper penalty, shall consider the provisions of the Revised Penal Code, particularly Article 11, Article 12, Article 13, Article 14 and Article 64 whenever appropriate or necessary, which provisions are hereby made integral part hereof. Other provisions of the said Code shall have suppletory effect or application.

**Section 4 Accessory Penalties** - In addition to the proper penalty imposed, the compressor, including its accessories, shall be confiscated and shall be disposed of in accordance with existing laws.

Moreover, if the culprit or violator is a licensee under Provincial Ordinance No. 94-2000, otherwise known as the Unified Fisheries Ordinance for the Province of Pangasinan, his/her license, grant or privileges shall be ipso facto cancelled, revoked or otherwise terminated. Any subsequent application for any right or privilege under Provincial Ordinance No. 94-2000 shall be barred, unless the Monitoring Team herein created issues a favorable recommendation.

Still, if the culprit is engaged in illegal fishing or deleterious method of fishing at the time of the violation of this ordinance, such act shall qualify the offense, and the highest penalty shall be imposed without prejudice to his prosecution under the law or ordinance prohibiting and penalizing such act or acts.

**ARTICLE VI. IMPLEMENTATION AND EDUCATIONAL CAMPAIGN—**

**Section 1.** The Philippine National Police-Maritime Command, Philippine Coast Guard, City and Municipal Fisheries and Aquatic Resources Management Councils, and the concerned Municipal and Barangay Officials are hereby authorized to implement this ordinance. **They shall have the power to initiate or file the corresponding complaint for any violation thereof without prejudice to the provisions of the Rules of Court regarding Warrantless Arrest.**

**Section 2.** In pursuance thereof, the Municipalities and Cities, through their barangays, and the City and Municipal Fisheries and Aquatic Resources Management Councils, in addition to their functions, shall adopt and pursue an educational campaign to help realize the policies of this ordinance.



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**Section 3.** To this end, there is hereby created a Monitoring Team to be constituted by a Representative of the Sanggunian Panlalawigan as Chairman; the representative of a Fisherfolk Organization and the Local Government Unit concerned as Members.

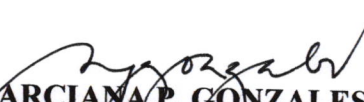
**Section 4.** The Committee on Health, Social Welfare and Development and the Committee on Environment and Natural Resources of the Sanggunian Panlalawigan shall jointly adopt the rules and regulations implementing this ordinance, including the powers and duties to be conferred upon the Monitoring Team and the Members thereof.

**ARTICLE VII. APPROPRIATION** – The Sanggunian Panlalawigan shall appropriate funds for the realization of the policies herein embodied. The appropriation shall be subject to existing rules and regulations of the Commission on Audit.

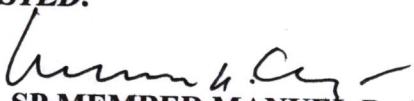
**ARTICLE VIII. REPEALING CLAUSE** – All existing ordinances, rules and regulations, or parts thereof that are inconsistent with this ordinance are hereby declared invalid, repealed, or modified accordingly.

**ARTICLE IX. SEPARABILITY CLAUSE** – If for any reason or reasons, any portion or provision of this ordinance is subsequently declared unconstitutional or invalid, those that are not affected shall remain in force and effective.

**ARTICLE X. EFFECTIVITY CLAUSE** – This ordinance shall take effect Ten [10] days after compliance with the requirements of posting and publication under Republic Act 7160, otherwise known as the Local Government Code of 1991.

  
**MARCIANA P. GONZALES**  
*Acting Secretary to the Sanggunian*

**ATTESTED:**

  
**SP MEMBER MANUEL D. ANCHETA**  
*Temporary Presiding Officer*

**APPROVED:**

  
**VICTOR E. AGBAYANI**  
*Governor*



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