



Republic of the Philippines
Province of Pangasinan
Lingayen

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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 October 27, 2000 at Lingayen, Pangasinan, the following provincial ordinance was approved:

Introduced by SP Member Von Mark R. Mendoza and co-authored by SP Members Francisco F. Baraan III, Alfonso C. Bince, Jr., Marilyn L. Primicias, Arthel B. Caronongan, Arthur F. Celeste and Eduardo R. Perez

PROVINCIAL ORDINANCE NO. 94-2000

UNIFIED MUNICIPAL FISHERIES ORDINANCE FOR THE PROVINCE OF PANGASINAN

EXPLANATORY NOTE

Whereas, the Province of Pangasinan is in need of a policy that would support its socio-economic development programs;

Whereas, this fishery ordinance shall serve as a framework and/or statements of policies of the Province;

Whereas, Sec. 129 of R.A. No. 7160, otherwise known as the Local Government Code of 1991, states that "each local government unit shall exercise its power to create its own sources of revenue and to levy taxes, fees, and charges subject to the provisions herein, consistent with the basic policy of local autonomy;"

Whereas, Sec. 468 (a) (1) (iii) of R.A. No. 7160 provides that "the Sangguniang Panlalawigan, as the legislative body of the Province, shall approve ordinances imposing a fine not exceeding Five Thousand Pesos (P5,000.00) or imprisonment not exceeding one (1) year, or both in the discretion of the court, for the violation of a provincial ordinance;"

Whereas, Sec. 16 of RA 8550 states that the municipality shall have jurisdiction over municipal waters, thus, shall be responsible for the management, conservation, development, protection, utilization, and disposition of all fish and fishery/aquatic resources within;

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Whereas, there is an urgent need to improve the standard of living of municipal fisherfolk particularly those who wishes to upgrade their capacity and increase the gross tons of their fishing boats;

Whereas, the fisherfolk of the different Coastal Municipality cannot totally and effectively catch in volume the fish and other fishery species needed to support the food security of our nation;

Whereas, the Sangguniang Panlalawigan by virtue of their legislative powers is authorized to enact ordinances for the general welfare of the province and its inhabitants; as well as, Art. 98, (a) (1) (vi) provides that the Sangguniang Panlalawigan shall "protect the environment and impose appropriate penalties for acts which endanger the environment, such as dynamite fishing and other forms of destructive fishing x x x;"

NOW, THEREFORE, on motion by SP Member Von Mark R. Mendoza, co-authored by SP Members Francisco F. Baraan III; Alfonso C. Bince, Jr.; Marlyn L. Primicias; Arthel B. Caronongan; Arthur F. Celeste; and Eduardo R. Perez, duly seconded and concurred in by all the members present, *be it enacted by the Sangguniang Panlalawigan in session assembled that:*

CHAPTER I

DECLARATION OF POLICY AND DEFINITIONS OF TERMS

SECTION 1. *Title.* – This ordinance shall be known as the **UNIFIED MUNICIPAL FISHERIES ORDINANCE FOR THE PROVINCE OF PANGASINAN** which shall be enforced in conjunction with R.A. No. 8550, R.A. No. 7160, and other laws, policies, and rules and regulations on fishing and/or fisheries.

SECTION 2. *Declaration of Policy.* – It shall be the policy of the province of Pangasinan that the fisheries and aquatic resources of all coastal and inland municipalities shall be under a limited access policy for the exclusive use and enjoyment of Filipino citizens;

It shall be the policy of the Province to achieve food security as the overriding consideration in the utilization, management, development, conservation, and protection of fisheries and aquatic resources in order to provide the food needs of the constituents. A flexible policy towards the attainment of food security shall be adopted in response to changes in demographic trends of fish, trends in the trade of fish and other aquatic products in domestic and national markets, and the law of supply and demand.

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It shall also be the policy of the Province to grant all fisheries sectors (aquaculture, municipal and commercial fisheries) the privilege to utilize fisheries and aquatic resources under the basic concept that the grantee, licensee or permittee thereof shall not only be a privileged beneficiary of the municipality but also an active participant and partner in the sustainable development, management, conservation, and protection of the fisheries and aquatic resources of all municipalities.

SECTION 3. Definition of Terms. – For purposes of this Ordinance, the hereunder-enumerated terms and phrases shall mean as follows:

1. **Ancillary Industries** are firms, companies, and cooperatives related to the supply, construction and maintenance of fishing vessels, gears, nets and other fishing paraphernalia; fishery machine shops; and other facilities such as hatcheries, nurseries, feed plants, cold storage and refrigeration, ice plants, processing plants and other post-harvest facilities.

2. **Auxiliary Invoice** is the document issued by the municipality for prior to the transport of fishery and fishery products from the point of origin to their point of destination.

3. **Aquaculture** is a fishery operation involving all forms of raising and culturing fish and other fishery species in fresh, brackish and marine water areas.

4. **Aquatic Pollution** refers to the introduction by human or machine, directly or indirectly, of substance or energy to the aquatic environment which would result or is likely to result in such deleterious effects as to harm living and non-living aquatic resources, pose potential and/or real hazard to human health, hindrance to aquatic activities such as fishing and navigation, including dumping/disposal of waste and other marine litters, discharge of petroleum or residual products of petroleum or carbonaceous materials/substances, and other radioactive, noxious or harmful liquid, gaseous or solid substances, from any water, land or air transport or other human made structure. Deforestation, unsound agricultural practices such as the use of banned chemicals and excessive use of chemicals, intensive use of artificial feeds, and wetland conversion, which cause similar hazards and deleterious effects, shall also constitute aquatic pollution.

5. **Aquatic Resources** shall include fish, all other aquatic flora and fauna and other living resources of the aquatic environment, including, but not limited to salt and corals;

6. **Artificial reefs** are any structures of natural or man-made placed in a body of water to serve as a shelter and habitat, source of food, breeding areas for fishery species, and shoreline protection;

7. **Closed Season** is the period during which the taking of specified fishery species is prohibited in an area of municipal waters.

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8. **Color Coding System** is a system that has identifying mark on a fishing boat according to the division and classification of the municipal water. It shall be four (4) inches wide and four (4) feet long situated at the upper portion of the bow, port and starboard side of the fishing boat (cather only).

9. **Commercial Fishing** is the taking of fishery species by passive or active gear for trade, business or profit beyond subsistence or sports fishing.

10. **Scales of Commercial Fishing.** Small Scale Commercial Fishing shall refer to fishing with passive or active gear utilizing fishing vessel of 3.1 to 20 GT; Medium Scale Commercial Fishing shall be fishing with active gears utilizing fishing vessels of 20.1 to 150.1 GT; and, Large Scale Commercial Fishing refers to fishing with active gears utilizing fishing vessels of more than 150.1 GT.

11. **Coastline** refers to the outline of the mainland shore touching the sea at mean lower low tide.

12. **Coral Reef** is a natural aggregation of coral skeleton, with or without living coral polyps, occurring in intertidal and subtidal marine waters.

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

14. **Demarcated Areas** shall refer to boundaries defined by markers, such as buoys, and assigned exclusively to specific individuals or organizations for certain specified and limited use such as: Mangrove plantation or reforestation, catching or taking of bangus fry or fry of other species, culture of oysters and green mussels, seaweed farming, fish shelters, and fishing with the use of hook and line; Fish Culture in fish pens, fish cages, sea ranching; passive fishing gears such fish traps, fish attracting and aggregating devices such as artificial reefs and payaos; and commercial fishing with or without fishing vessels of less than 3 GT; Commercial fishing utilizing fishing vessels of more than 3 to 150 GT;

15. **Dolphins** are any of certain small-toothed marine mammals of the order Cetacean having beak like snouts, the neck vertebrae of which are partially fused.

16. **Fine Mesh Net** is net with mesh size of less than three (3) centimeters measured between two (2) opposite knots of a full mesh when stretched.

17. **Fingerlings** shall refer to a stage of fish measuring to about six (6) to thirteen (13) centimeters depending on the species.

18. **Fish Cage** refers to an enclosure which is either stationary or floating made up of netting or screens sewn or fastened together and installed in the water with opening at the surface of covered and held in a place by wooden/bamboo posts or various types of anchors and floats.

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19. **Fish Coral or "Baklad"** is a stationary trap devised to intercept and capture fish consisting of rows of bamboo stakes or other materials fenced with split bamboo matting or wire netting with one or more enclosures usually with easy entrance but difficult exit, and with or without leaders to direct the fish to the catching chamber or purse.

20. **Fishpen** is an artificial enclosure constructed within a body of water for 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. **Fisherfolk** shall refer to the people directly or personally and physically engage in taking and/or culturing and processing fishery and/or aquatic resources.

22. **Fisherfolk Cooperative** is 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 risk and benefits of their undertakings in accordance with the universally accepted cooperative principles.

23. **Fisherfolk Organization** means an organized group, association, federation, alliance or an institution of fisherfolk which has a least fifteen (15) members, a set of officers, a constitution and by-laws, and organization structure and a program of action.

24. **Fishfry** is the stage at which a fish has just been hatched usually with from 1 to 2.5 cm.

25. **Fishing** is the taking of fishery species from their wild state or habitat with or without the use of fishing vessel.

26. **Fishing Gear** means any instrument or device and its accessories utilized in the taking of fish and other species classified as: Active Fishing Gear - is a fishing device characterized by gear movements, and/or the pursuit of the target species by towing, lifting, and pushing the gears, surrounding, covering, dredging, pumping and scaring the target species to impoundment's; Passive Fishing Gear - is characterized by the absence of gear movements and/or pursuit of the target species, such as but not limited to, hook and line, fishpots, traps, and gill nets.

27. **Fishing License** shall refer to the document that qualifies a person/corporation/cooperative/association to operate fishing activity or activities for duration in a demarcated area in municipal water.

28. **Fishing Operator** is a person or duly registered corporation/cooperative/association who are indirectly engaged in the taking and/or culturing and processing fishery and/or aquatic resources, gather bangus fry and fry of other species, construct and operate fish corral/pond/pen/trap/farming and other fishing activities.

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29. **Fishing Permit** refers to the document, which the municipality allows the license to conduct fishing operation in municipal waters.

30. **Fishpond** is a land-based facility enclosed with earthen or stone materials to impound water for growing fish.

31. **Fishery Refuge and Sanctuary** is a designated area where fishing to other forms of activities, which may damage the ecosystem of the area, is prohibited and human access maybe restricted.

32. **Fishery Reserve** means a designated area where activities are regulated and set aside for educational and research purposes.

33. **Fishing Vessel/Boat** 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, including, but not limited to, preservation, supply, storage, refrigeration, transportation, and/or processing.

34. **Fishing with Electricity** is the use of electricity by dry cell batteries, electric generators or other sources of electric power to kill, stupefy, disable or render unconscious any fish or fishery/aquatic products in both fresh or sea water areas.

35. **Fishing with Explosive** means the use of the dynamite, other explosive or other chemical compounds that contains combustible elements or ingredients which upon ignition by friction, confusion, percussion or detonation of all or parts of the compound, will kill, stupefy, disable or render unconscious any fishery species. It also refers to the use of any other substance and/or device which cause an explosion that is capable of producing the said harmful effects on any fishery species and aquatic resources and capable of damaging and altering the natural habitat.

36. **Fishing with Obnoxious or Poisonous Substances** shall refer to the use of any substance, plant extracts or juice thereof, sodium cyanide compounds or other chemicals either in a raw or processed form, harmful or harmless to human beings, which will kill, stupefy, disable or render unconscious any fishery species and aquatic resources and capable of damaging and altering the natural habitat.

37. **Fishworker** is 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, fish ponds, prawn farms, sea farms, salt beds, fish ports, fishing boats or trawlers, or fish processing and/or packing plants. Excluded from this category are administrators, security guards and overseers.

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38. **Hulbot-hulbot (Danish Seine, Bira-Bira, Zipper)** refers to a fishing gears consisting of a conical shaped net with a pair of wings, the ends of which are connected to two ropes with buri or similar materials serving as a herding or scaring device, with hauling ropes passing through a metallic ring attached to a ton weight, known as "linggote" in the vernacular, when hauled into the fishing boat.

39. **Illegal Fishing** is the use of explosives; obnoxious/poisonous substances, electricity, muro-ami and other methods prohibited as defined in this ordinance.

40. **Inland Fishery** refers to the freshwater fishery and brackish water fishponds.

41. **Mangroves** shall refer to the community of intertidal plants including all species of trees, shrubs, vines and herbs found on coasts, swamps, or border of swamps.

42. **Monitoring, Control and Surveillance Monitoring** is the requirement of continuously observing: fishing effort which can be expressed by the number of days or hours of fishing, number of fishing gears and number of fisherfolk; (2) characteristics of fishery resources; and (3) resource yields (catch). Control- the regularity conditions (legal framework) under which the exploitation, utilization and the disposition of the resources may be conducted; and Surveillance- the degree and types of observations required to maintain compliance with regulations.

43. **Municipal Waters** shall 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 RA No. 7586 (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 coastlines. Where two (2) municipalities are so situated on opposite shores that there is less than thirty (30) kilometers of marine waters between them, the third line shall be equally distant from opposite shore of the respective municipalities.

44. **Muro-ami** means a Japanese fishing gear used in reef fishing which consist 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 bag portion of the whole net.

45. **Mussel (Tahong)** is a marine or brackish from of bivalves scientifically known as *Mytilus* sp. and *Modiolus* sp. and locally known as Tahong, usually attached to the substratum in its natural state, but when propagated could be attached to stakes, stones and other suitable objects.

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46. **Mussel/Oyster Belt** is an area designated by the municipality after the conduct of technical survey shall establish the mussel/oyster farm lots.

47. **Mussel/Oyster Culture** means the cultivation of mussel/oyster in suitable water areas by a method with appropriate intensive care for production purposes.

48. **Pa-aling** refers to a fishing gear consisting of a bagnet effecting the capture of fish by spreading the net in arc from around reefs or shoals and with the aid of scaring devices by means of air bubbles produced by compressors, a cordon of fishermen driving the fish from the reefs toward the bag portion of the whole net.

49. **Payao/Arong** is a fish aggregating devices consisting of a floating raft anchored by a weighted line with suspended materials such as palm fronds to attract pelagic and schooling species common in deep waters.

50. **Purse Seine** is a form of encircling net having a line at the bottom passing through rings attached to the net, which can be drawn or pursed. In general, the net is set from a boat or pair of boats around the school of fish. The bottom of the net is pulled closed with the purse line. The net is then pulled aboard the fishing boat or boats until the fish are concentrated in the bunt or fish bag.

51. **Resource Rent** means the difference between the value of the products produced from harvesting a publicly owned resource less the cost of producing it, where cost includes the normal return to capital and normal return to labor.

52. **Sea Farming** refers the stocking of natural or hatchery produced marine plants or animals, under controlled conditions, for purposes of rearing and harvesting, but not limited to commercially important fishes, mollusks (such as pearl and giant clam culture), including sea weeds and sea grasses.

53. **Sea Ranching** is the release of the young of the fishery species reared in hatcheries and nurseries into natural bodies of water for subsequent harvest at maturity or the manipulation of fishery habitat to encourage the growth of the wild stocks.

54. **Superlight**, which is also called magic light, is a type of light using halogen or metal halides bulb that may be located above the sea surface or submerged in the water. It consists of a ballast, regulator, electric cable and socket. The source of energy comes from a generator, battery or dynamo coupled with the main engine.

55. **Trawl** refers to an active fishing gear consisting of a bag shaped net with or without outer boards to open its opening which is dragged or towed along the bottom or through the water column to take fishery species by straining them from the water, including all variations and modifications of trawl (bottom, mid-water, and baby trawls) and tow nets.

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56. **Fishing Gear** includes any instrument or device and its accessories utilized in taking fish and other fishery species.

57. **Active Fishing Gear** is a fishing device characterized by movements and/or the pursuit of the target species by towing, lifting and pushing the gears surrounding, covering, dredging, pumping and scaring the target species to impoundment, such as, but not limited to, trawl, purse seines, Danish seines, fag nets, palling, drift gill net and tuna longline.

58. **Passive Fishing Gear** is a fishing device characterized by the absence of gear movements and/or pursuit of the target species, such as, but not limited to, hook and line, fishpots, traps and gill nets across the path of the fish.

59. **Fishery Farm Lot** refers to the tract of water for raising fish and fishery products.

60. **Catadromous Species** shall include freshwater fishes that migrate from marine areas to spawn.

61. **Anadromous Species** shall include marine fishes that migrate from freshwater to spawn.

62. **Total Allowable Catch** means the maximum harvest allowed to be taken during a given period of time from any fishery species, or a combination of area and species, which normally would not exceed the maximum sustainable yield.

63. **Maximum Sustainable Yield** refers to the largest average quantity of fish that can be harvested from a fish stock/resource within a period of time on a sustainable basis under existing conditions.

CHAPTER II

UTILIZATION AND EXPLOITATION OF FISHERY/AQUATIC RESOURCES

SECTION 4. Utilization of Government-Owned Fishpond Areas Covered with Fishpond Lease Agreement (FLA). – Fishpond areas covered by Fishpond Lease Agreement (FLA) shall be within the jurisdiction of the local government units as provided for in Section 27 of RA 7160. The LGU and/or the concerned FARMC shall properly indorse all applications for renewal. New areas applied for likewise, shall be duly certified by the Municipal Fishery Officers and properly indorsed by both the LGU and the FARMC. However, the basis of certification shall be the approved Coastal Fisheries Development Plan and Land Use Plan of the concerned municipality or city.

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SECTION 5. Division and Classification /Zonification of Municipal Waters. – The municipal waters within the jurisdiction of this municipality for purposes of granting the fishery privileges are divided and classified/zonified hereunder. Exclusive fishery privileges for the use of the specific class/zones shall be granted upon payment of appropriate rentals as fixed and described provided they duly conform with the provisions specified in the approved Comprehensive Fisheries Development Plan (CFDP) of any concerned municipality. These fishing privileges may be granted.

1. The operation of mussel, oyster and other aquatic culture beds, seaweed farming, sea ranching, mangrove plantation waters should be from the shoreline but not more than two (2) fathoms at low tide. Provided, further, that such beds and plantations may not interfere with the navigation safety of boats, vessels and other watercrafts which passes through the area of operation. A qualified individual may be granted a license to culture oysters over a water area of not exceeding one-half (1/2) hectare, and corporation, partnership or cooperative, in a water of not exceeding three (3) hectares. Provided, further, that red color buoys shall be placed at four (4) fathoms or three (3) kilometers from shoreline at low tide, whichever come first.
2. The catching, taking or gathering of bangus fry, prawn fry, kawag-kawag or fry of other species;
3. The erection of fish corral or fish pen/fish cages in inland freshwater areas shall be allowed on a limited scale, leaving enough space as navigational lane located at the mid portion of the whole river width. Provided, however, that its operation during the rainy season (June to October) shall not be allowed in critical river systems in order to avoid floods and/or river swelling. Provided, further, that the fish corals/pens/cages do not obstruct the flow of current of river and navigation of boats, and shall be located at least fifty (50) meters from the shoreline and fifty (50) meters of more but not less than five (5) meters from a riverbank.
4. Fishing operations within the municipal waters shall be limited to fishing vessels, 3 Gross Tons (GT) and below, using registered and authorized gears. Provided, that fishing boat operators/owners shall paint their bancas according to prescribed color combinations provided under Resolution No. 6, Series of 1994 of the Lingayen Gulf Coastal Area Management Commission (LGCAMC).

SECTION 6. Uses of Municipal Waters. – All fishery related activities in the municipal waters within fifteen (15) kilometers from the general coastline of the municipality at low tide, as define in this ordinance, shall be utilized by the municipal fisherfolk and their organizations listed as such in the registry of fisherfolk. Provided, that in the absence of such organizations and cooperatives or their failure to exercise their preferential right, other parties may be granted fishing privilege according to the provisions of RA 7160 and RA 8550.

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SECTION 7. Eligibility for Fishing and/or Fishery Privileges. – A license to engage in fishing and other fishery related activities might be issued to the following:

1. Only Filipino citizens; and,
2. Cooperatives, partnerships, associations, firms or corporations duly registered or incorporated under the laws of the Philippines and authorized to transact business in the country, having fishing as one of its functions.

SECTION 8. Grant of Fishing Privileges in Municipal Waters. – The residents of all municipalities shall have the preferential right to the fishing privileges to erect and operate fish corals, pens, cages, traps, fish aggregating devices, seaweed farming, fish shelters, oysters, mussels or other aquatic culture beds, gathering of bangus fry or fry of other species, gather of kapiz shells, mollusks, aquarium fish within definite zones of the municipal waters, as maybe determined by the Municipality Fishery Office (MFO), with which said project maybe undertaken, and such other fishing privileges within the approved zoning plan of the municipal water to be granted by the Mayor. Provided: that in the absence of or their failure to exercise their preferential right, other parties may participate in the public bidding in the conformity with the procedure provided in this Ordinance: Provided, however, that in case of failure of bidding, the Mayor is authorized to grant fishery privileges to qualified applicants upon the recommendation by the Municipal Fishery Officer and upon payment of license/permits fees, therefore at the rate not exceeding those fixed in Specific Municipal Fishery Ordinances. The Mayor may grant the fishery privileges on a first come first serve basis for a period not exceeding five (5) years. Provided further: That the provisions of the License are fulfilled. Provided, furthermore: that they shall not fish within TWO HUNDRED (200) METERS from any fish coral or artificial reefs operated under exclusive privilege granted by the Municipality in accordance with this Ordinance, or from the core of any coral reef in the municipal waters in this municipality, particularly the declared preservation zone and marine sanctuary. Provided; lastly: That before the Mayor grants the permit for the operation of any fishing

SECTION 9. Gratuitous Permit. – A gratuitous permit maybe issued to any government agency or institution of learning by the Mayor to engage in any fishery related activity in any water area for scientific research or educational purposes, subject to the terms and conditions as maybe imposed.

SECTION 10. Registry of Municipal Fisherfolk. – The Municipal Fishery Office shall maintain and update annually or as may be necessary a registry of fisherfolks and their organization, partnership, corporations who are or who may wish to fish in the municipal waters of any municipality for the purpose of determining priorities among them of limiting entry into municipal waters, of monitoring fishing activities and/or other related purposes. Likewise, there shall be maintained a registry of municipal, small and medium commercial fishing vessels by type of gear and other boat particulars. The Bureau of Fisheries and Aquatic Resources, Regional Office No. 1 shall provided identification cards (ID cards) to all registered fisherfolks by municipality.

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SECTION 11. Fisherfolks' Organization and/or Cooperative. – Fisherfolk organization/cooperatives whose members are listed in the registry of fisherfolk may be granted use of demarcated fishery areas to engage in fish capture, mariculture, and/or fish farming; Provided: That a cooperative member whose household is already in possession of a fishery right other than for fish capture cannot enjoy the fishing rights granted to the organization or cooperative.

SECTION 12. License, Lease, Permits and other Licenses. – The license or permit shall specify the area, fishing gear or method, and where applicable the fishing grounds, vessel, size and other parameters for a fishing vessel engaged in scientific, research or educational purposes. The privilege of catching fish or taking aquatic products from the municipal waters by means of nest, traps or other fishing gear, with or without the use of fishing boats shall be granted under ordinary fishery license/permits or grants issued by the Mayor to any person, cooperative, association, partnership, firm or corporation qualified under Section 7, 8, 9 and 11 of this Ordinance upon inspection by an officer from the Municipal Fishery Office of concerned municipalities and certification issued for the legality of its fishing paraphernalia or equipment of the corresponding license/permit fee at rates required. That the grantee, license agrees unconditionally to comply with all the laws, order, policies and rules and regulations governing fishing. That the license assumes responsibility for any and all the acts of his agents and employee of the contractors connected with his fishing operation.

SECTION 13. Licensing Procedures. –

1. Applicants for license/permit or grant of any fishery privilege shall accomplish and file the prescribed application form prepared at the Municipal Fishery Office. The said application form shall contain a detailed description of the location of the definite portion or area desired, and a detailed description in the specific terms of the fishing gear to be used that will preclude doubt as to the exact location of the portion or area applied or the kind of gear or method, and where applicable the fishing season, vessel size and other parameters for which license is applied and such other information as may be required.

Such application whenever applicable shall be accompanied by the following:

- (a.) Endorsement and recommendation of the Municipal Fishery Officer;
- (b.) Sketch of the area applied for in the designated area/zone;
- (c.) An Official Receipt of payment from the Municipal Treasurer's Office of the application fee which is non-transferable and non-refundable; and
- (d.) Photo-copy of the duly approved Articles of Incorporation and/or Certificate of Registration when applicable;
- (e.) Certificate of Fishing Boat License for 3.1 to 150 GT. Fishing boats.
- (f.) ECC and EIS as required by Section 12 and 13 of RA 8550.

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DATE: _____

SIGNATURE: _____

ATTY: VERA T. NAVA - PEREZ
SECRETARY TO THE SANGGUNIANG



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2. The Municipal Fishery Officer shall determine fishery resources, verify the area/scope of the fishery project, fishing vessels, their tonnage, and fishing gears for which fishing permit and licenses shall be issued, and endorse the same together with their recommendation to the Mayor for approval. The Mayor shall satisfy himself that the grant or license/permit applied for will not be prejudicial to public interest and that any existing grant or lease does not cover the area of such application.

SECTION 14. Guidelines for the Evaluation of Project and Application. – The Municipal Fishery Office shall be guided with the following rules evaluating projects and issuance of permits/license for the appropriate use and sustainable development of fisheries and aquatic resources.

1. It shall provide protection to the capability of the particular resources to renew itself to optimum harvest levels;
2. It shall not endanger the economic and ecological viability of the resources in a designated area;
3. It shall protect the rights of fisherfolks to preferential use of the resources;
4. All projects which will have an impact on fish and fishery/aquatic resources are required to submit an environmental impact statement for evaluation and approval of the Department of Environment and Natural Resources before the Municipal Fishery Office issues a certification to proceed with the projects in addition to the requirement of other concerned agencies.

SECTION 15. Prequalification, Bids and Awards Committee. – To handle the pre-qualification, public bidding and awards of fishery concessions, lease and contracts, if any shall be a Committee composed of the Mayor as Chairman, two (2) members of the Sangguniang Bayan/Chairman of the Environment Sector and the Chairman on Agriculture and Fisheries, if there is no specific person working on Fisheries the Municipal Treasurer and the Municipal Fishery Officer as members.

SECTION 16. Time and Place of Bidding. – The Sangguniang Bayan shall, in resolution, provide for the holding of the public bidding for the granting of the concessions, lease or contracts, specifying the time, date and venue of such auctions, the minimum bids, the amount to be deposited for entitlement to participate, the procedure to be followed by the committee, and the amount of bonds as guaranty of good faith and for satisfactory compliance to the terms of the grant or license. The bond shall be in cash, in real estate situated within the Philippines, or by a surely company authorized for that purpose, in an amount equivalent to not less than two (2) years rental if for a five-year period at the maximum.

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SECTION 17. Publication of Notice. – The Pre-qualification Bids and Awards Committee shall cause the publication of the notice to bid in local media, if any, and posted in the bulletin board of the Municipal Hall and other conspicuous places in the Municipality frequented by the public for wide advertisement for a period not less than fifteen (15) days prior to the holding of such public bidding. The Committee shall deliberate the agenda and other information relative to the bidding at least one (1) week before such public bidding.

SECTION 18. Grounds for Rejection /Disapproval of Application for Fishery Privileges. – Application for fishery privileges shall be rejected on any of the following grounds: lack/loss of interest; are applied for is not available or suitable for the purpose to which is applied/desired for: voluntarily request of the applicant; applicant is not qualified in accordance with this Ordinance; fraudulent, false or misleading statement in the application; failure to comply with the requirements; death of the applicant, or dissolution of judicial person; and when public interest so requires.

SECTION 19. License to Operate Fish Pens, Fish Cages, Fish Traps and other Structures to include Sea Ranching and Sea Farming Projects for the Culture of Fish and Other Fishery Products. – Fish pens, fish cages, fish traps and other structures for the culture of fish and other fishery/aquatic products shall be constructed and operated only within establish zones duly designated by the Municipality in accordance with this Ordinance and after the corresponding licenses therefore have been secured. The area to be leased for this purpose for individual and juridical person shall be determined by the Municipal Fishery Office: Provided, however, That only ten percent (10%) of the water surface area of suitable rivers as provided for in the approved CCDP of municipalities shall be allotted for aquaculture purposes like fish pens, fish cages, and fish traps and the stocking density and feeding requirement which shall be controlled and determined by its carrying capacity. The license shall be for a period of five (5) years and preferential rights to operate should be the Municipal Fisherfolks.

SECTION 20. Registration and Licensing of Post-Harvest Facilities. – All post-harvest facilities such as fish drying area/s, fish processing plants, ice plants, cold storage, fish ports/landing and other fishery business establishments must register with and licensed by the municipality.

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SECTION 21. Registration and Licensing of Fishing Gears Used in Municipal Waters — Before a fisherfolk, cooperative, association, firm or corporation shall conduct subsistence or commercial fishing operations in municipal water, the fishing gear it will utilize shall be registered and a license granted therefore for a period of two (2) years per kind of gear to be used. In case of Multi-gears to be operated/used, each gear shall be registered and licensed separately.

SECTION 22. Licensing of Fishing Boats. — The Mayor shall issue the License upon inspection, verification, and endorsed by the Municipal Fishery Office to a person, cooperative, partnership, association, firm or organizations to operate fishing boat/vessel/s three (3) GT or less. The licensed fishing boats shall be numbered and color-coded according to Section 5.3 of this Ordinance. The license shall be renewed annually, whereas, the corresponding registration shall be valid for a period of five (5) years. The owner/operator for a fishing boat shall have a period of thirty (30) days prior to the expiration of its license within which to renew the same. Provided: That no such special permit shall be required of a fishing vessel in a scientific research or educational purposes within the municipal waters.

SECTION 23. Report of Transfer of Ownership. — The owner/operator and/or transferee of registered fishing boat shall notify the Municipal Fishery Officer in writing of the transfer of ownership of the fishing boat within fifteen (15) days thereafter.

SECTION 24. Auxiliary Invoice. — Fish and fishery products like preserved fish (iced, frozen, dried, salted, smoked, patis, bagoong, etc.), shells, Trepang or Beche de mer, dried Star Fish, dried meat of dried squid, seaweed (Digenea), dried seahorse, dried shark's fin, skin of sea snakes, Sponges, tanned skin of fish, sea reptiles, bangus fry and fries of other species, and all other unclassified marine products, etc., must have an Auxiliary Invoice to be issued by the Municipal Fishery Office prior of origin to their point of destination within the country upon payment of the fee prescribed in specific Municipal Fisheries Ordinances approved by municipality of origin of said fish/fishery products.

SECTION 25. General Schedule of Fishery Rentals, License, Permit Fees and Charges. — Fishery rental, license, permit or fishery privilege of utilizing a definite area or portion of the municipal waters, and/or for the privileges, may be issued and/or granted to individuals, cooperative, firms or corporation, upon payment of corresponding fishery rental. License/Permit Fees and/or Charges at the rates to be determined by concerned municipalities identified. In no case issued/without prior consideration to the total allowable catch (TAC) and Maximum Sustainable Yield (MSY) levels established from reliable scientific studies conducted.

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APPLICATION FEE	For any fishery privilege
CERTIFICATION FEE	For business, legal, employment or statistical purposes
AUXILIARY INVOICE	Fries per thousand One (1) ton a fraction of fish Each additional tonnage or a Fraction Thereof in excess of One (1) ton
FISH INSPECTION FEE	For inspection services rendered Shall be collected per kilo of fish catch
LICENSE FEES	Fisherfolks Partnership Cooperative/Association Firm/Corporation
PERMITS FEES	
1. Fish Cages	100 sq. m. or less 100.1 to 500 sq. m.
2. Net enclosure of backyard	500 sq. m. or less fishpens More than 500 sq. m. but less than 1,000 sq. m.
3. Fish corals/fish pens in inland waters, fishponds	1,000 sq. m. or more but less than 5,000 sq. m. 5,000 sq. m. or more but less than 10,000 sq. m. 10,000 sq. m. or more but less than 15,000 sq. m. 15,000 sq. m. or more plus P2.00 for every square meter more
4. Fish coral/fish pens in marine Waters	More than 500 sq. m. but less than 1,000 sq. m. 1,000 sq. m. or more but less than 5,000 sq. m. 5,000 sq. m. or more but less than 10,000 sq. m. 10,000 sq. m. or more but less than 15,000 sq. m. 15,000 sq. m. or more
5. Operation of Oyster Mussel Farms	Per square meter
6. Fishing using nets Trawl	Per 1,000 sq. m. of a fraction thereof
7. Fishing using traps	Per sq. m. opening or a fraction thereof Per bolo, pangal, bintol & others
8. Gathering shells, mollusks, sea cucumber, seaweed and other products not classified	a) Without compressor b) Without the use of compressor
9. Using hook & line	a) With petromax b) With light
10. Using fishing boat	a) Non-Motorized b) Without sail c) With sail d) Motorized, plus P2.00 per GT

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Provided that no other fee shall be collected from fishermen duly licensed by another municipality unless the license/permit fees paid by them in the municipality are less than those prescribed above, in which case the difference between the two annual fee may be collected: Provided, further, that the residents of this municipality who have not been granted license for commercial fishing shall be allowed to fish in municipal waters using hook and line for their home consumption.

SECTION 26. Renewal of Fishermen's License. – The fishermen's license shall be renewed annually. The fishermen, owner/operator of a fishing gear have a period of sixty (60) days prior to the expiration of the license within which to renew the same.

SECTION 27. Surcharge. – When annual License/Permit fee for any fishery privilege is not renewed on the date it become due, the licensee/permittee shall pay a surcharge of one hundred percent (100%). Persons, cooperative, firms or corporations who are delinquent in the payment of any fees for fishery privileges granted are barred from enjoying the privileges directly or indirectly during the period of their delinquency.

SECTION 28. Grounds for Cancellation/Termination of License. – License to any fishery privileges granted and issued under this ordinance may be cancelled on any of the following grounds: Violation of any existing fishery rules and regulations and other applicable laws. Death of the Licensee, provided that a new license shall be issued to the qualified heirs or assigns upon filing of a new application within sixty (60) days from death of the Licensee; and shall be valid for the remaining period of the original approved license; Dissolution of juridical License; Failure to comply with any terms and conditions of the Licensee; Fraudulent, false, or misleading statements in the application; Failure to pay the required annual license fee and/or surcharges; Subleasing by the Licensee; Abandonment of the area; Failure to pay any or file a bond when due as prescribed in the grant or license; Failure of the Licensee to introduce improvement in the area covered by the license within sixty (60) days from the issuance. None use of the area for the purpose and which License is granted within One Hundred Twenty (120) days from the issuance of the license shall be ground for the cancellation thereof.

SECTION 29. Conditions for the Transfer of Rights and Interest over Fishery Farm Lots. – The Licensee/Permittee shall not sublease the farm lot or a part thereof. He may transfer his rights over the fishery farm lot or any portion thereof under the following conditions: That the Licensee had held the license for a period of not less than one year. The Licensee has not violated any of the rules and regulations related to the operation including the terms and conditions of the license. The Licensee is qualified to develop and operate the farm lot pursuant to the provision of this Ordinance; That there is no evidence that such transfer or conveyance of right is being made for purposes of speculations; That the Transferee shall assume all the obligations of the Transferor; and The area subject of the transfer is not involved in any administrative or judicial case except when such transfer is due to the death of the licensee.

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CHAPTER III

MANAGEMENT, DEVELOPMENT AND CONSERVATION
OF FISHERIES AND AQUATIC RESOURCES

SECTION 30. Non-Obstruction to Navigation. – Nothing in any section of this Ordinance shall be constructed as permitting the Lessee or Licensee to undertake any construction which will obstruct the free navigation of any stream, river, or the marine areas of the municipal waters flowing through or adjoining the fishpen or fishpond, or impede the flow and ebb of tide to and from the area herein the: Lessee or Licensee, Grantee or Permittee is granted to a fishery privilege. Any construction made in violation shall be removed upon the order of the Mayor in coordination with other government agencies concerned at the expense of the Lessee, Licensee, or occupants thereof, whenever applicable.

SECTION 31. Non-Obstruction to Defined Migration Paths. – Nothing in the foregoing sections shall be constructed as permitting the Lessee, Permittee, or Licensee to undertake any construction which will obstruct any defined migration path of catadromous and anadromous species such as river mouths and estuaries within a distance determined by the Municipal Fishery Office.

SECTION 32. Mangrove Protection and Conservation. – The municipal government through the Municipal Fishery Office shall immediately undertake steps for the restoration of all abandoned, undeveloped or under utilized fishponds of areas to their original mangrove state.

SECTION 33. Fish Landing Points and Fish Market. – The Sangguniang Bayan shall determine and designate fish landing point and establish Fish Market in the municipality concerned where all fish catch and other sea products entering the municipality shall be landed, unloaded, and inspected by the Municipal Fishery Officer or the, Municipal Fish Inspector, before the same are offered or sale to the public.

SECTION 34. Fishing Port Complex. – There shall be established a Municipal Fishing Port Complex within the Municipality of _____ to provide the berthing, landing facilities, wholesale and retail fish market, cold storage, slipway and dry docking facilities to cater to the local fishing community.

SECTION 35. Reporting and Monitoring System.

1. **Fish Catch Report** – For statistical record purpose, any person or entity who has obtained a grant or license to take or catch fish in the municipal waters of this municipality shall submit a semi-annual report of fish caught to the Municipal Fishery Office. This report shall be prepared in triplicate showing the kind, quantity and value, if sold, of fish caught during the period, and must be submitted within the first ten (10) days of the month of July and January of each proceeding year.

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2. Monitoring of Fish Landings and Shipments of Fish and Fishery Products – The Municipal Fishery Officer or the municipal Fish Inspector or deputized officer is hereby authorized to monitor fish landings and fish markets, particularly the kind of species and corresponding volume in cooperation with the Municipal Revenue Collector. Likewise, all fishery and aquatic products being shipped out of the municipality of shall be monitored by the same office in cooperation with the office of the municipal Treasurer and the Philippine National Police (PNP).

3. Monitoring, Control and Surveillance of Municipal Waters – A monitoring, control and surveillance system shall be established by the municipality through the Municipal Fishery Office and in coordination with other agencies concerned to ensure that the fisheries and aquatic resources in the Municipal waters are judiciously and wisely utilized and managed on a sustainable basis and conserved for the benefits and enjoyment, exclusively of Filipino citizens. All municipalities are mandated to conduct regular water quality monitoring and corresponding monthly reports be submitted to the Provincial Fishery Office.

4. System or Reporting and Monitoring – There shall be a developed system of reporting and monitoring on all aspects of the activities and operation of fisherfolk and their organization/cooperative. The system shall render the following data but not limited to the number of fishermen, fishing boat, catch effort, fishing violations and other related fisheries and aquatic resources activities. Each data will be collated and returned to the Committee of Fisheries and Aquatic Resources Council of the Municipal Council for their planning exercise.

SECTION 36. Rules and Regulations. – The Municipal Mayor shall upon recommendations of the Municipal Fishery Officer shall promulgate rules and regulations to implement effectively the provisions of this Ordinance. Such rules and regulations shall unless otherwise herein provided, shall take effect fifteen (15) days after its publication in a local Bulletin/Newspaper or to at least five (5) conspicuous places of every barangay being affected, after the conduct of a public hearing for the purpose.

SECTION 37. Fish Inspection Services. – All fish, crabs, shrimps, squids and other fishery products intended for public consumption shall be inspected by the Municipal Fishery Officer before they are offered for sale to the public and an Inspection Fee shall be collected thereof as prescribed in this Ordinance.

SECTION 38. Fisheries and Aquatic Resources Management Office. – To carry out efficiently the policies and functions enunciated in this Ordinance, there is hereby created the Fisheries and Aquatic Resources Management Office where appropriate and which shall be included in the department's appropriation of the succeeding years.

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SECTION 39. Jurisdiction of the Fisheries and Aquatic Resources Management Section in Municipal Waters. – The Fisheries and Aquatic Resources Management Office shall have jurisdiction and responsibility over the management, conservation, development, protection, utilization, disposition, and research of all fisheries and aquatic resources of the municipality.

SECTION 40. Management and Development of Fisheries and Aquatic Resources in Municipal Waters. – The local fisherfolk and other resources users and their organization shall not only be a privileged beneficiary of the municipality but also an active participant and partner of this municipality in the sustainable development, management, conservation and protection of the municipality.

CHAPTER IV

**THE FISHERIES AND AQUATIC RESOURCES MANAGEMENT
COUNCIL (FARMC) PURSUANT TO RA 8550**

SECTION 41. Development of Fisheries and Aquatic Resources in Municipal Waters. – Fisherfolk and their organizations residing within the geographical jurisdiction of any municipality shall develop the fishery/aquatic resources in municipal water (and bay).

SECTION 42. Creation of Municipality/City Fisheries and Aquatic Resources Management Council (M/C FARMC). – The FARMC shall be formed by fisherfolk organizations/cooperatives and NGOs in this municipality and shall be assisted by the Municipal Fishery Office and other agencies concerned. Before organizing the MFARMC, there shall be consultation/s and orientation/s on the formation of MFARMC with commercial or subsistence fisherfolks, organizations/cooperatives, fishworkers, aquaculturists, and NGOs.

SECTION 43. Term of Office. – The members of M/C FARMC, except the representative of different agencies concerned, shall serve for a term of three (3) years unless otherwise re-elected by their organization to represent as such.

SECTION 44. Functions of M/C FARMC. –

- a) Assist in the Preparation of the Comprehensive Coastal Development, Plan/Municipal Fishery Development Plan and submit such plan to the Municipal Development Council;
- b) Recommend the enactment of specific Municipal Fishery Ordinances to the Sangguniang Bayan through its Committee on Fisheries;
- c) Assist in the enforcement of fishery laws, rules and regulations in municipal waters;

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- d) Advise the sangguniang bayan on fishery matters through its Committee on Fisheries; and
- e) Perform such other functions, which may be assigned by the Sangguniang Bayan.

SECTION 45. Composition of the M/C FARMC. - The regular member of the MFARMC - shall be composed of: Municipal Planning Development Officer; Chairperson, Committee on Agriculture & Fisheries of the Sangguniang Bayan; a representative of the Municipal Fishery Office; a representative of the Municipal Development Council; a representative from the accredited NGO; a representative from the private sector; seven (7) representatives from municipal fisherfolk which include representative from commercial fishers; and one (1) representative form fishworker.

SECTION 46. Officers of M/C FARMC. - The Officers of the M/C FARMC shall be a Chairman, a Vice-Chairman, and a Secretary. The members of the M/C FARMC from among themselves shall elect them.

SECTION 47. Term of Office of Officers of M/C FARMC. - All officers of M/C FARMC shall hold for a term of three (3) years until their successors are duly elected and qualified.

SECTION 48. Functions and Power of Officers. -

a) **CHAIRMAN** - The Chairman shall be the Chief Executive Officer of M/C FARMC. In addition to his duty as such: He shall preside in all meetings of the M/C FARMC and those of the members of said Council; He shall execute all resolutions and/or decisions of the said Council; He shall submit to the said Council as soon as possible after the close of each fiscal year, and to the members of each annual meeting, a complete report of the activities and operations of the M/C FARMC for the fiscal year under his term. He shall submit to the Municipal Development Council all resolutions and/or decisions of the M/C FARMC.

b) **VICE-CHAIRMAN** - The Vice-Chairman, if qualified, shall exercise all powers and perform all duties of the Chairman during the absence or incapacity of the later and shall perform duties that maybe assigned by the said council. He shall be the Ex-Officio Chairman of the Education Committee of the M/C FARMC.

c) **SECRETARY** - The Secretary shall give all the notices required and keep the minutes of all meetings of the members, the M/C FARMC, the MDC-M/C FARMC, and all Committee created, in a book kept for the purpose. He shall keep the seal of the M/C FARMC and affix such seal to any paper or instrument requiring the same. He shall have custody of the correspondence files and all other papers that are to be kept. He shall maintain the members register, have charge of the bulletin board at the principal office and shall perform all such other duties and responsibilities as the council may from time to assign to him.

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SECTION 49. The Integrated Provincial Fisheries and Aquatic Resource Management Council (IPFARMC). – The M/C FARMC of municipalities from Infanta to San Fabian shall be a members of the IPMFARMC which shall also serve in an advisory capacity to the Sangguniang Panlalawigan through the Chairman of the Committee on Fisheries/Committee on Environment Protection of the Sangguniang Panlalawigan.

SECTION 50. Representatives of the IPFARMC. – Representatives to the IPMFARMC shall be composed of the following: the Chairperson, Committee on Fisheries, Sangguniang Bayan of each coastal municipality; the Municipal Fishery Officer; the Municipal Development Officer; and the Chairman of the M/C FARMC.

SECTION 51. Functions of Representatives as a Body. – Representatives as a body shall have the following functions: present approved Municipal Fishery Ordinance to IPMFARMC to assist in the preparation of the Integrated Lingayen Gulf Fishery Development Plan and submit such plan to the Provincial Development Council of Pangasinan; recommend the enactment of specific municipal fishery ordinances o concerned Sangguniang Panlalawigan through its Committee on Fisheries; assist in the enforcement of fisheries laws, rules and regulations in Lingayen Gulf; advice the Sangguniang Bayan on fishery matters through the Committee on Fisheries; perform such other functions which may be assigned by the Sangguniang Panlalawigan.

CHAPTER V

PROHIBITIONS AND PENALTIES

SECTION 52. Fishing Areas Reserve for Fish Refuge and Sanctuaries and Exclusive Use of Government. – In line with the National Program, fifteen percent (15%) of the municipal waters in specific municipalities where appropriate is hereby set aside and declared as Fishery Reservation, Fish Refuge and Marine Sanctuary for the exclusive use of the government, or any of its political subdivisions, agencies or instrumentality for the culture and propagation of fish and other aquatic species, for the preservation, conservation, protection, educational, research and scientific purposes, and where all kinds of fishing activities shall be prohibited.

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CHAPTER VI

PROHIBITIONS AND PENALTIES

SECTION 53. Unauthorized Fishing or Engaging in Other Unauthorized Fisheries Activities. –

1. No person, cooperative, partnership, association, firm or corporation shall exploit, occupy, produce, breed, culture, or gather fish, fish fry or fingerlings of any fishery species or fishery products, or engage in any fishery activity in the municipal waters without a license, lease or permit. Discovery of any person in an area where he has no permit or registration papers for a fishing vessel is engaged in unauthorized fishing. It shall be unlawful for any person not listed in the registry of fisherfolk of specific municipality to engage in any fishing activity in municipal water. Any fisherfolk who commits such violation shall be punished by confiscation of catch and a fine of Five Hundred Pesos (P500.00), pursuant to Section 86 of RA 8550.

2. It shall be unlawful for any commercial fishing vessel to fish in fishing areas declared reserve for fish refuge and sanctuaries. Pursuant to Section 86 of RA 8550, any commercial fishing boat captain or the three (3) highest officers of the boat who commits any of the above prohibited acts upon conviction shall be punished by a fine equivalent to the value of catch or Five Thousand Pesos (P5,000.00) whichever is higher, and imprisonment of six (6) months, confiscation of fish catch and fishing gears, and automatic revocation of license.

SECTION 54. Illegal Use of Fine Mesh Net. – It shall be unlawful to engage in fishing in municipal waters of this municipality using fine mesh as described in Section 3.15 of this Ordinance. Provided, That the use of fishing nets with legal size but doubled or overlaid one on top of the other in an attempt to circumvent this provision shall be construed as using fine mesh net in fishing. Provided, however, That the prohibition on the use of fine mesh shall not apply to the gathering of fry, glass eels, elvers, tabios, and alamang and such species which by their nature are small but already mature to be identified in the implementing rules and regulations by the Department of Agriculture through the Bureau of Fisheries and Aquatic Resources. Pursuant to Section 89 of RA 8550, violation of the above shall subject the offender to a fine from Two Thousand Pesos (P2,000.00) or imprisonment from six (6) months to one (1) year or both such fine and imprisonment at the discretion of the court: Provided, That if the offense is committed by a commercial fishing vessel, the boat captain and the master fishermen shall also be subject to the penalties herein: Provided, further, That the owner/operator of the commercial fishing vessel who violates this provision shall be subjected to the same penalties provided herein: Provided, finally, That the DA-BFAR is hereby empowered to impose upon the offender an administrative fine and/or cancel his permit or license or both, if the offense is committed within municipal waters.

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SECTION 55. Use of Muro-Ami and any of its Variation/Modification and Gear Destructive to Coral Reefs and Other Marine Habitat Considered Deleterious Method of Fishing. -

1. It shall be unlawful for any person, natural or judicial to fish with Muro-Ami and any of its variation/modification and gear destructive to coral reefs and other marine habitat considered deleterious method of fishing as defined Section 3.43 and 3.11, respectively, of this ordinance in the municipal waters of this municipality. Pursuant to Section 92 of RA 8550, the operator, boat captain, master fisherman, and recruiter or organizer of fishworkers who violate this provision shall suffer a penalty of one (1) year imprisonment and a fine of not less than Five Thousand Pesos (P5,000.00) or both such fine and imprisonment, at the discretion of the court. The catch and gear used shall be confiscated. 56.2 It shall likewise be unlawful for any person or corporation to gather sell or export white sand, silica, pebbles and any other substances that make up any marine habitat. Pursuant to Section 92 of RA 8550, the person or corporation who violates this provision shall suffer a penalty of Six (6) months to One (1) year imprisonment and a fine of not less than Five Thousand Pesos (P5,000.00) or both such fine and imprisonment, at the discretion of the court. The substance then from its marine habitat shall be confiscated.

SECTION 56. Fishing through Explosives, Noxious or Poisonous Substances, and/or Electricity. -

1. It shall be unlawful for any person to catch, take or gather or cause to be caught, taken or gathered, fish or any fishery species in municipal waters with the use of electricity, explosives, noxious or poisonous substance which will kill, stupefy, disable or render unconscious fish or fishery species: Provided, That the use of poisonous or noxious substances or eradicate predators in fishponds in accordance with accepted scientific practices and without causing adverse environmental impact in neighboring waters and grounds shall not be construed, as illegal fishing. It will likewise be unlawful for any person, corporation or entity to possess, deal in, sell or any manner dispose of, any fish or fishery species which has been illegally caught, taken or gathered. The discovery of dynamite, other explosives and chemical compounds which contain combustible elements, or noxious substances, or equipment or device for electro fishing in any fishing vessel or in the possession of any fisherfolk, operator, fishing boat official or fish caught or killed with the use of explosives, noxious or poisonous substances or by electricity shall constitute prima facie evidence that fisherfolk, operator boat, official or fishworker is fishing with the use thereof.

2. Mere possession of explosives, noxious or poisonous substances or electro fishing devices for illegal fishing shall be punishable by imprisonment ranging from six (6) months to one (1) year, pursuant to Section 88.2 of RA8550.

3. Actual use of explosives, noxious or poisonous substances or electro fishing devices for illegal fishing shall be punishable by imprisonment ranging from six (6) months to one (1) year without prejudice to the filing of separate criminal cases when the use of the same result to injury or loss of human life, pursuant to Section 88.4 of RA 8550.

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4. Dealing in, selling, or in any manner disposing of, for profit, illegally caught/gathered fisheries species shall be punished by imprisonment ranging from six (6) months to one (1) year, pursuant to Section 88.4 of R.A. 8550.

5. In all cases enumerated above, the explosives, noxious or poisonous substances and/or electrical devices, as well as the fishing vessels, fishing equipment and catch shall be forfeited, pursuant to Section 88.5 of R.A. 8550.

SECTION 57. Conversion of Mangroves. – It shall be unlawful for any person to convert mangroves into fishponds or for any other purposes. Pursuant to Section 94 of R.A. 8550, violation of the provision of this section shall be punished by imprisonment of six (6) months and one (1) day to One (1) year and/or a fine of Five (5) Thousand Pesos (P5,000.00): Provided, that if the area requires rehabilitation or restoration as determined by the court, the offender should also be required to restore or compensate for the restoration of the damage.

SECTION 58. Fishing in Fishery Reserves, Refuge and Sanctuaries. – It shall be unlawful to fish in fishery areas declared by the Department of Agriculture as recommended by this municipality as fishery reserve, refuge and sanctuaries. Pursuant to Section 96 of R.A. 8550, violation of the provision of this section shall be punished by imprisonment of one (1) year and/or fine of Two Thousand Pesos (P2,000.00) to Five Thousand Pesos (P5,000.00) and by forfeiture of the catch and cancellation of fishing permit or license.

SECTION 59. Taking, Catching, Selling, Processing or Transporting Gravid Crabs and/or Crablets. – It shall be unlawful to take, catch, sell, process or transport gravid crab and crablets, mud crab and/or blue crab, in this municipality whether dead or alive. Pursuant to Section 447. iii of R.A. 7160, violation of this provision shall be punished by imprisonment for a period not exceeding six (6) months or a fine not exceeding Two Thousand Five Hundred Pesos (P2,500.00), or both in the discretion of the court.

SECTION 60. Capture of Sabalo and Other Breeders/Spawner. – It shall be unlawful for any person to catch, gather, capture or possess mature milkfish or "Sabalo" and such other breeders or spawners of other fishery species as may be determined by the DA-BFAR: Provided, that catching of "Sabalo" and other breeders/spawners for local breeding purposes or scientific or research purposes may be allowed subject to guidelines to be promulgated by the DA-BFAR: Pursuant to Section 98 of RA 8550, violation of the provision of this section shall be punished by imprisonment of six (6) months and one (1) day to one (1) year and/or a fine of Five Thousand Pesos (P5,000.00) and forfeiture of the catch, and fishing equipment used and revocation of license.

SECTION 61. Illegal Use of Superlights. – It shall be unlawful to engage in fishing with the use of superlights in municipal waters or in violation of the rules and regulations which may be promulgated by the DA-BFAR on the use of superlights outside the municipal waters. Pursuant to Section 93 of RA 8550, violation of this provision shall be punished by imprisonment from six (6) months to one (1) year or a fine of Five Thousand Pesos (P5,000.00) per superlight, or both such fine and imprisonment at the discretion of the court.

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SECTION 62. Ban or Coral Exploitation and Exportation. – It shall be unlawful for any person or corporation to gather, possess, sell or export ordinary precious and semi-precious corals, whether raw or in processed form, except for scientific or research purposes. Pursuant to Section 91 of RA 8550, violation of this provision shall be punished by imprisonment from six (6) months to one (1) year and a fine from Two Thousand Pesos (P2,000.00) to Five Thousand Pesos (P5,000.00), or both such fine and imprisonment, at the discretion of the court, and forfeiture of the subject corals, including the vessel and its proper disposition. Confiscated corals shall either be returned to the sea or donated to schools or museums for educational or scientific purposes or disposed through other means.

SECTION 63. Fishing in Overfished Area and During Closed Season. – Upon establishment by the DA-BFAR and the municipality declaring municipal water as overfished area and/or closed season, thus, it shall be unlawful to fish in said areas declared overfished or closed season. Pursuant to Section 95 of RA 8550, violation of the provision of this section shall be punished by imprisonment of six (6) months and one (1) day to one (1) year and/or fine of Five Thousand Pesos (P5,000.00) and by the forfeiture of the catch and cancellation of the permit or license.

SECTION 64. Fishing or Taking of Rare, Threatened or Endangered Species. – It shall be unlawful to fish or take rare, threatened or endangered species as listed in the Convention on International Trade of Endangered Species of Flora and Fauna (CITES) and as determined by DA-BFAR. Pursuant to section 97 of RA 8550, violation of the provision of this section shall be punished by imprisonment of One (1) year and/or fine of Five (5) Thousand Pesos (P5,000.00) and forfeiture of the catch, and the cancellation of fishing permit.

SECTION 65. Use of Mechanized Push-Net or Fish Trap. – It shall be unlawful for any person to fish with the use of mechanized push net or fish trap using fine net mesh net in municipal waters. Pursuant to Section 447 iii of RA 7160, violation of the provision of this section shall be punished by imprisonment for a period not exceeding six (6) months and/or fine not exceeding Two Thousand Five Hundred pesos (P2,500.00), or both in the discretion of the court. The said fishing gears shall be confiscated and revocation of license.

SECTION 66. Use of Drift Gill Net. – It shall be unlawful for any person, cooperative, firm or corporation to operate drift grill net (PAMO) in catching fish in municipal waters during the spawning period of "SABALO" (mother sabalo) from February to July, inclusive every year. Pursuant to Section 98 of RA 8550, violation of the provision of this section shall be punished by imprisonment of six (6) months and one (1) day to one (1) year and/or fine of Five Thousand Pesos (P5,000.00) and forfeiture of the catch, and fishing equipment used and revocation of license.

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SECTION 67. Fishing Within Established Artificial Reef or Fish Shelters.

– Established artificial reef or fish shelters are hereby declared as restricted areas whereby no fishing shall be allowed within the distance of two hundred (200) meters from the said reefs/shelters: Provided, however, That only exclusive grantee or licensee of artificial reefs or fish shelters can fish within their respective fish aggregate. Pursuant to Section 447 iii RA 7160, violation of this section shall be subject the Boat Captain, The Master Fisherman, or the three (3) highest deck officers of the fishing boat shall be punished of a fine not exceeding Two Thousand Five Hundred Pesos (P2,500.00) or an imprisonment of not exceeding six (6) months, or both in the discretion of the court. The fishing license shall be revoked.

Section 68. Illegal Construction and Operation of Fish Corals/Straps, Fish Pens and Fish Cages. – It shall be unlawful to construct and operate fish corals/traps, fish pens and fish cages without a license/permit. Likewise, it is unlawful to construct the same outside the designated zones, and within a distance of two hundred (200) meters of another fish coral or one hundred (100) meters in freshwater unless they belong to the same licensee or grantee, but in no case shall it be less than sixty (60) meters apart except in waters less than two (2) fathoms at low tide. Pursuant to Section 447 (iii) of RA 7160, violation of this provision shall subject the offender to a fine exceeding Two Thousand Pesos (P2,000.00) and/or imprisonment of not exceeding six (6) months or both in the discretion of the court. Also, cancellation of license/permit, if any, and dismantling of the illegally constructed structures at his own expense and confiscation of the same.

SECTION 69. Illegal Sub-lease, Transfer of Rights, Quitclaims, Waiver of Rights, etc. – Licenses/permits shall not be transferred by lease or mortgage. The licensee/permittee shall not sub-lease a fishery farm lot under license of any part thereof. He may however, transfer his rights and interest over the farm lot in accordance to Section 30, hereof. Any violation of this section shall constitute ground for the cancellation of the license granted, cancellation of lease agreement, confiscation of existing improvements, and the disqualification of subsequent application by the same person, organization/cooperative, firm or corporation.

SECTION 70. Aquatic Pollution. – Aquatic pollution as defined in this ordinance shall be unlawful. Pursuant to Section 102 of RA 8550, violation of the provision of this section shall be punished by imprisonment of six (6) months and one day to one (1) year and/or fine of Five Thousand Pesos (P5,000.00) per day until such violation ceases and the fines are paid.

SECTION 71. Transfer of Ownership of Fishing Boat. – The owner/operator and/or transferee of a registered fishing boat who fails to notify the Office of the Municipal Fisheries Officer of the transfer of ownership, sale of the fishing boat to another person within fifteen (15) days after such transfer or sale shall be fined an amount determined appropriate by the municipality in a corresponding Municipal Special Fishery Ordinance.

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SECTION 72. Other Violations. – Failure to comply with Minimum Safety Standards; The owner and boat captain of a fishing boat engaged in fishing who upon demand by proper authorities, fails to exhibit or show proof of compliance with the safety standards provided by RA 8550, shall be immediately prevented from continuing with his fishing activity and escorted to the nearest point or landing point. The license to operate the fishing boat shall be suspended until the safety standard has been complied with. Failure to Conduct a Yearly Report. The FLA holder/licensee/permittee who fails to render a yearly report shall be immediately cancelled: Provided, that if the offender be the owner of the fishpond, fish pen or fish cage, he shall be subjected to the following penalties pursuant to RA 8550: (1) first offense, a fine of Five Hundred Pesos (P500.00) per unreported hectare; (2) subsequent offenses, a fine of One Thousand Pesos (P1,000.00) per unreported hectare. Gathering and Marketing of Shellfishes. It shall be unlawful for any person to take, sell, transfer, or have any possession for any purpose any shell fish from the municipal waters of this municipality which is sexually mature or below the minimum size or above the maximum quantities prescribed for the particular species and/or have been declared contaminated with RED TIDE TOXINS by the DA-BFAR. This restriction shall include these listed in the CITES. Obstruction to Navigation or Flow and Ebb of Tide in any Stream, River, Lake or Bay. It shall be unlawful for any person who causes obstruction to navigation or flow of ebb of tide. Pursuant to Section 103 of RA 8550, subject to the provision of the subparagraph (b) of this section, violation of the above-enumerated prohibited acts shall subject the offender to a fine ranging from Two Thousand Pesos (P2,000.00) to Five Thousand Pesos (P5,000.00) or imprisonment from one (1) month and one (1) day to six (6) months, or both such fine and imprisonment, upon the discretion of the court: Provided, That the Secretary of DA is hereby empowered to impose upon the offender an administrative fine of not more than Five Thousand Pesos (P5,000.00) or to cancel his license or permit, or to impose such fine and to cancel his license or permit, upon the discretion of the Secretary: Provided further, that the Secretary, or his duly authorized representative, and law enforcement agents are hereby empowered to confiscate and impound with the assistance of the Philippine Coast Guard, PNP-Maritime Command: Provided, finally, that any person who unlawfully obstructs or delays the inspection and/or movement of fish and fishery/aquatic products when such inspection and/or movement is authorized under RA 8550, shall be subject to a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than one (1) year, or both such fine and imprisonment, upon the discretion of the Court. Every penalty imposed for the commission of an offense shall carry with it the forfeiture of the proceeds of such offense and the instruments or tools with which it was committed. Such proceeds and instruments or tools shall be confiscated and forfeited in favor of the Government, unless they be the property of a third person not liable for the offense, but those articles which are not subject of lawful commerce shall be destroyed.

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SECTION 73. Obstruction to Fishery Law Enforcement Officers. – Pursuant to Section 106 of RA 8550, the boat owner, master or operator or any person acting on his behalf of any fishing boats who evades, obstructs or hinder any fishery law enforcement officer/s of the Department of Agriculture/Bureau of Fisheries and Aquatic Resources to perform his duty, shall be fined Ten thousand Pesos (P10,000.00) in addition, the registration, permit, and/or license of the vessel including the license of the master fisherman shall be cancelled. The boat owner, master or operator or any person acting on his behalf of any fishing boat who evades, obstructs or hinder any fishery law enforcement officer/s of this municipality duly deputized by the Municipal Mayor to perform his duty, shall be fine not exceeding Two Thousand Five Hundred Pesos (P2,500.00) in addition, the license/permit of the vessel and the license issued to the master fisherman shall be cancelled.

CHAPTER VII

1199 GENERAL PROVISIONS

SECTION 74. Fisherfolk Settlement Areas. – The municipality shall establish and create fisherfolk settlement areas in coordination with the concerned agencies of the government, wherein certain areas of the public domain, specifically near the fishing grounds shall be reserved for the settlement of the municipal fisherfolk. Nothing in this section shall be constructed to vest ownership of any resettlement are to a municipal fisherfolk for whom said areas may have been reserved for or had been actually granted to.

SECTION 75. Municipal Fisheries Grant/Development Fund. – For the development, management and conservation of the municipal resources, there is hereby created a trust fund known as Fishery Grant Fund to finance fishery projects of the municipality, primarily for the upliftment of the municipal fisherfolk. Seventy percent (70%) from the total collections/revenues from all fisheries and related activities hereby appropriated to support the Grant/Development Fund. For this purpose, the municipality may seek financial assistance from any source and may receive any donations therefore.

SECTION 76. Educational Campaign. – The municipality through the barangays shall launch and pursue an educational campaign to: help realize the policies and implement the provisions of this Ordinance and Fisheries Code of 1998; promote the development, management, conservation, and proper use of the environment; promote the principle of sustainable development, and promote the development of truly Filipino-oriented fishing and auxiliary industries.

SECTION 77. Charting of Navigational Lanes and Delineation of Municipal Waters. – The municipality shall in coordination with NAMRIA, DPWH and DA-BFAR and other appropriate agencies designate and chart navigational lanes in fishery areas and delineation of municipal waters.

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SECTION 78. Persons and Deputies Authorized to Enforce This Ordinance. – The law enforcement officers of DA-BFAR (Fish Warden), the Philippine Coast Guard, PNP-Maritime Command, and duly deputized law enforcement officers of any municipality are hereby authorized to enforce this Ordinance, RA 8550 and other fishery laws, rules and regulations. Other competent government officials and employees, punong barangays and officers and members of fisherfolk associations who have undergone training on law enforcement may be designated in writing by DA-BFAR as deputy fish wardens in the enforcement of this Ordinance and other fishery laws, rules and regulations.

SECTION 79. Use and Disposal of Forfeited Property. – Whenever forfeiture of property is imposed, such property or proceeds from the sale thereof shall go to the trust fund of the municipality for use of the coastal resource development purposes. Fish found caught with the use of explosive, noxious substances or banned gears/devices shall immediately be seized/confiscated, and endorsed to the Municipal Fisheries Office and if fit for human consumption shall be donated to penal institutions such as the municipal jail, or to charitable institutions such as hospitals, house of charities, orphanages or home of the aged on indigents.

SECTION 80. Formulation of Comprehensive Fisheries Development Plans for all Coastal and Resource Appropriate Municipalities. – It shall be mandatory for all coastal and all other municipalities where ample fisheries resources are appropriate and suitable for management, development and exploitation to formulate and implement a Comprehensive Fisheries Development Plan (CFDP). The approved CFDP shall be the basis of all development programs for fisheries, subject to resource allocation criteria set both in this ordinance.

CHAPTER VIII

REPEALING, SEPARABILITY AND EFFECTIVITY CLAUSES

SECTION 81. Appropriation. –

1. The municipality shall appropriate 30 percent of all collections and revenues from fisheries and fisheries related activities for other required and needed municipal projects.

2. The municipality shall establish Municipal Fisheries Offices where enough suitable for improvement and development resources are available and shall be the service delivery unit for resource development, conservation and management.

SECTION 82. Repealing Clause. – All previous ordinances, rules and regulations or parts thereof which are inconsistent with this Ordinance are hereby repealed or modified accordingly.

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SECTION 83. *Separability Clause.* – If for any reason or reasons any portion or provision of this Ordinance is declared unconstitutional or invalid, the other portions or provisions hereof which are not affected thereby, shall continue to be in full force and effect.

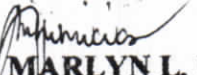
SECTION 84. *Effectivity.* – This Ordinance shall take effect ten (10) days after a copy thereof is posted in a bulletin board at the entrance and in at least two (2) other conspicuous places of the municipal building and the main features thereof has been published thrice (3) national and local newspaper of general circulation and shall be subjected to public hearing in the provincial/ municipal level.

SP MEMBER FRANCISCO F. BARAAN III
Presiding Officer Pro Tempore


SP MEMBER ALFONSO C. BINCE, JR.
Majority Floor Leader


SP MEMBER MAC ARTHUR C. SAMSON, JR.
Assistant Majority Floor Leader


SP MEMBER ANGEL G. BANIQUED
Minority Floor Leader


SP MEMBER MARLYN L. PRIMICIAS
Assistant Minority Floor Leader

(On Official Business)
SP MEMBER EMMANUEL C. CARANCHO

SP MEMBER ARTHEL B. CARONONGAN

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SP MEMBER VON MARK R. MENDOZA

SP MEMBER JOHN AGERICO B. ROSARIO

SP MEMBER DIONISIO A. VILLAR, JR.

(On Official Business)

SP MEMBER ARTHUR F. CELESTE

SP MEMBER EDUARDO R. PEREZ

SP MEMBER MARIE ANTONNETTE O. VILLAR

DOMINGO D. REFORMADO
Secretary to the Sanggunian

ATTESTED:

VICE GOVERNOR OSCAR B. LAMBINO
Presiding Officer

APPROVED:

VICTOR E. AGBAYANI
Governor

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DATE: _____
SIGNATURE: _____

ATTY: VERNA T. NAVA - PEREZ
SECRETARY TO THE SANGGUNIANG