



PAMAHALAANG BAYAN NG TAYTAY

TANGGAPAN NG SANGGUNIANG BAYAN

**EXCERPT FROM THE MINUTES OF THE REGULAR SESSION
OF THE SANGGUNIANG BAYAN, MUNICIPALITY OF TAYTAY,
PROVINCE OF RIZAL, HELD ON THE 12th DAY OF SEPTEMBER
, 2005, AT THE SESSION HALL, MUNICIPAL BUILDING,
TAYTAY, RIZAL**

PRESENT:

Hon. Fernando R. Cabitac, Jr.	- Vice Mayor/Presiding Officer
Hon. Joselito T. Calderon	- Councilor
Hon. Sharon DL. Macabebe	- "
Hon. Reggie Lynn G. Mascardo	- "
Hon. Ceferino R. Resurreccion, Jr.	- "
Hon. Trece S. Cayton	- "
Hon. Andres C. Cruz, Jr.	- ABC President
Hon. Dianne Eliza G. Esguerra	- SK President

ABSENT:

Hon. Janet DL. Mercado	- Councilor
Hon. Antonio A. Alabata	- " - (O.B.)
Hon. Arturo R. Valle	- "

SPONSORED BY: Councilor Reggie Lynn G. Mascardo

ORDINANCE NO. 10

THE TAYTAY MUNICIPAL FISHERY CODE OF 2005

**"AN ORDINANCE GOVERNING THE DEVELOPMENT,
MANAGEMENT AND CONSERVATION OF THE FISHERIES
AND AQUATIC RESOURCES OF TAYTAY, RIZAL AND FOR
OTHER PURPOSES."**

WHEREAS, the Municipal Government of Taytay, Rizal is responsible for the development, management, conservation, protection, utilization and disposition of all fishery/aquatic resources within its municipal waters;

WHEREAS, Article I Section 16 of RA No. 8550, otherwise known as The Philippine Fisheries Code of 1998, authorizes the Municipal Government to enact its Fisheries Ordinance;

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WHEREAS, it is the policy of the municipal government to provide equal opportunity to its constituents in the use of its fishery and aquatic resources;

NOW THEREFORE, be it enacted by the Sangguniang Bayan of Taytay, Rizal in session that:

ARTICLE I TITLE

SECTION 1. **Title.** This Ordinance shall be known as the "The Taytay Municipal Fishery Code of 2005";

ARTICLE II

POLICY, SCOPE AND DEFINITION OF TERMS

SECTION 2. **DECLARATION OF POLICY.** It is the policy of the Municipal Government to provide equal opportunity to its constituents in the use of fisheries and aquatic resources notwithstanding the economic status of its constituents and also to advance and protect the interest of marginal fishermen through balance and sound management of its fisheries and aquatic resources;

SECTION 3. **SCOPE OF APPLICATION.** This ordinance shall cover all aspects of management and conservation of the fisheries and aquatic of Taytay, Rizal within its municipal territorial waters as defined in Section 131 of R.A. 7160, including its foreshore land, rivers and streams and as provided for in R.A. 8550;

SECTION 4. **BOUNDARIES.** The municipal territorial waters are bounded on the South by the town of Angono and West by the City of Taguig;

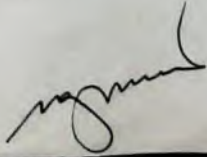
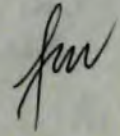
SECTION 5. **DEFINITION OF TERMS.** The following words and phrases shall mean:

- a. *Aquaculture – fishery operations involving all forms of raising and culturing of fish and other fishery species in the river and lakes and other areas.*
- b. *BFAR – Bureau of Fisheries and Aquatic Resources.*
- c. *Catch Ceilings – refer to the annual catch limits allowed to be taken, gathered or harvested from any fishing area in consideration of the need to prevent overfishing and harmful depletion of breeding stocks of aquatic organisms.*
- d. *Closed Season – the period during which the taking of specific fishery species by a s specified fishing gear is prohibited in a specified area or areas in municipal waters.*
- e. *Commercial fishing – the taking of fishery species by passive or active gear for trade, business or profit beyond subsistence or sport fishing.*

- f. DENR – Department of Environmental and Natural Resources
- g. DA – Department of Agriculture
- h. Fish cage – refers to an enclosure which is either stationary or floating made up of nets, screens, sewn or fastened together and installed in the water with an opening as the surface covered and held in place by wooden/bamboo posts of various types of anchors and floats.
- i. Fisheries Business – refers to all activities relating to the act of business of fishing, culturing, preserving, processing, marketing, developing, conserving and managing aquatic resources and the fishery areas including the privilege to fish or take aquatic resources thereof.
- j. Fish Pen – an artificial enclosure constructed within a body of water for the culture of fish and other aquatic resources. It is made up of poles closely arranged in an enclosure with wooden materials, screen or nylon netting to prevent the escape of fish.
- k. Fish Refuge and Sanctuary – a designated area where fishing or other forms of activities which may damage the ecosystem of the area is prohibited and human access may be restricted.
- l. Fishing vessels – vessels made of wood, fiberglass or other materials used in fishing.
- m. Fishworker – a person regularly or not regularly employed in commercial fishing and related industries, whose income is either in wage, profit-sharing or stratified sharing basis, including those working in fish pens, fish cages, fish corrals, traps, fishponds, prawn farms, sea farms, salt beds, fish ports, fishing boat or trawlers, of fish processing and/or packing plants. Excluded from this category are administrators, security guards and overseers.
- n. Fisherfolk – people directly or personally and physically engaged in taking and/or culture and processing fishery and/or aquatic resources.
- o. Fisherfolk Cooperative – a duly registered association of fisherfolk with a common bond of interest, who have voluntarily joined together to achieve a lawful common social or economic end, making equitable contribution to the capital requirement and accepting a fair share of the risks and benefits of the undertakings in accordance with universally accepted cooperative principles.
- p. Fisherfolk Organization – an organized group, association, federation, alliance or an institution of fisherfolk which has at least fifteen (15) members, a set of officers, a constitution and by-laws, an organizational structure and a program of action.
- q. Fishery reserve – a designated area where activities are regulated and set aside for educational and research purposes.
- r. Lake – an inland body of water, an expanded part of a river, a reservoir formed by a dam, or a lake basin intermittently of formerly covered by water.
- s. LLDA – Laguna Lake Development Authority
- t. Municipal fisherfolk – persons who are directly or indirectly engaged in municipal fishing and other related fishing activities.
- u. MFARMC – Municipal Fisheries and Aquatic Resources Management Council
- v. Bantay Lawa – Created by the Local Chief Executive to implement the municipal fisheries and aquatic ordinance.

ARTICLE III

GRANTING OF PERMIT FOR THE OPERATION OF FISH PENS, CORRALS, CAGES AND OTHER SIMILAR CONSTRUCTIONS INCLUDING "KANGKONG" FARMS

SECTION 6. FISHING GROUNDS AND FISH PENS. As prescribed by law and this ordinance, the open fishing grounds shall be 1,000 meters from the shoreline during summer and from there towards the lake shall commence the fish pen belt;

Fish pens of individuals, partnerships, corporation or cooperatives shall only be allowed to occupy a maximum area of five (5) hectares. Adjacent fish pens shall provide a Twenty (20) meter passageway for the use of fishermen.

SECTION 7. MARGINAL FISHERMEN'S AREA. This area shall be 200 meters from the shore towards the lake and where marginal fishermen can catch fish especially during rainy season. Fishing activities which may damage the ecosystem of the area are strictly prohibited and shall be penalized according to Section 24 hereof;

Along Floodway A this area shall be 20 meters on both sides.

SECTION 8. FISH CAGES, CORRALS AND OTHER SIMILAR CONSTRUCTIONS INCLUDING KANGKONG FARMS. Fish cages, corrals and other similar constructions including "kangkong" farms are allowed only starting from two hundred (200) meters from the shore towards the lake;

- a. *An individual, partnership or cooperative can only occupy an area not exceeding one (1) hectare, provided that the proof of partnership and accreditation of a cooperative duly approved by proper authorities is presented.*
- b. *Each "kangkong" planter shall only be allowed to plant in a maximum area of 10,000 square meters (one hectare). In case of adjacent "kangkong" farms, they shall be provided a ten (10) meter passageway towards the open lake for the use of fishermen. Existing Kangkongan farm shall be allowed.*
- c. *Kangkungan Farms in Floodway Area shall be allowed only starting one hundred (100) meters from shore towards the lake and from shore towards the center 20 meters passageway".*

SECTION 9. FISHERY PERMITS. The Municipality shall have the authority to grant the following fishery permits within its municipal waters:

- a. *To erect fish corrals, cages, pens and other similar construction including "kangkong" farms;*
- b. *Grant permit to gather, take or catch fish of any species by nets or other allowable fishery gear.*

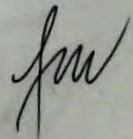
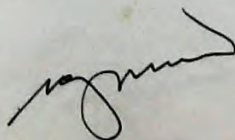
SECTION 10. GUIDELINES IN THE GRANTING OF PERMIT/LICENSE TO OPERATE FISH PENS, CAGES, CORRALS

AND OTHER SIMILAR CONSTRUCTION INCLUDING "KANGKONG" FARMS. The following guidelines are to be followed in the granting of permit/license to operators:

- a. *Permit/license shall be granted to legitimate fishermen or businessmen.*
- b. *Application must be submitted to the Office of the Mayor for proper evaluation and verification. The following are the requirements:*
 1. *Application form properly filled-up*
 2. *Community Tax Certificate*
 3. *Barangay Clearance*
 4. *Certification from Municipal Fisheries and Aquatic Resources Management Council (MFARMC)*
- c. *Upon approval of the application, a one-time registration fee shall be paid to the Municipal Treasurer or his/her authorized representative based on the following:*

1. <i>For not more than 5,000 sq. mtrs.</i>	<i>Php 100.00</i>
2. <i>For more than 5,000 sq. mtrs but Not more than 10,000 sq. mtrs.</i>	<i>200.00</i>
3. <i>For fish pen with an area of more than One (1) hectare to five (5) hectares</i>	<i>1,000.00</i>
- d. *Existing fish pens, corrals, cages and similar construction including "kangkong" farms, with permit from the Laguna Lake Development Authority (LLDA) and not considered abandoned, shall be allowed to continue operation provided that items b & c stated in this section shall have been complied with.*
- e. *The Municipal Fisheries and Aquatic Resources Management Council/Bantay Lawa shall see to it that the ten (10)-meters clear passageway for every hectare of construction be established, except for fishpens which shall have a 20-meters passageway to serve as right of way for other fishermen.*

SECTION 11. TRANSFER OF PERMIT. No transfer of permit to erect fish corrals, cages, pens and other similar construction including "kangkong" farms, shall be valid unless there's a clearance from the Municipal Mayor or his duly authorized representative. Provided further, that the transferee shall pay a transfer fee of Php 1,000.00 to the Municipal Treasurer before the permit is awarded;

ARTICLE IV

MAYOR'S PERMIT FEE

SECTION 12. MAYOR'S PERMIT FEE. A permit fee and registration fee for the following individuals, partnerships or corporation who are engaged in the business of fishing or any business involving the municipality's aquatic resources is hereby imposed;

	<i>Per annum</i>
<i>a. Kangkongan</i>	
1. <i>with an area of 5,000 sq.mtrs. or less</i>	100.00
2. <i>with an area of more than</i> <i>5,000 sq.mtrs. up to 10,000 sq.mtrs</i>	200.00
<i>b. with fish pen, cage</i>	0.10/sq.m
<i>c. Registration fee of fisherfolks</i>	100.00

SECTION 13. TIME AND MANNER OF PAYMENT. The Mayor's Permit to engage in the business of fishing and business involving the aquatic resources shall be paid to the Municipal Treasurer or his/her duly authorized representative upon application and renewable within the first 20 days of January of each year. The initial payment corresponding to the current quarter shall be made upon application of the license;

SECTION 14. SURCHARGE FOR LATE PAYMENT. Failure to pay the fee imposed herein within the prescribed period shall be subject to a surcharge of 20% of the total fee due;

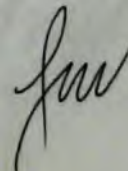
ARTICLE V

FISHING VESSELS

SECTION 15. REGISTRATION OF VESSELS. All fishing vessels and other vessels, owned by the residents of Taytay, operating within its territorial waters must be duly registered in the municipality. Other vessels owned by non-residents operating within the municipality's territorial waters must also be registered in their respective municipality of origin;

SECTION 16. REQUIREMENTS FOR REGISTRATION. The requirements for the registration of fishing vessels are the following:

- a. Proof of ownership (Purchase Receipt/Affidavit of Ownership/Deed of Sale/"certificate of ownership from accredited association"*
- b. Certificate of tonnage issued by the Municipal Fisheries and Aquatic Resources and Management Council*
- c. Identification of vessel (Registration Number)*



SECTION 17. REGISTRATION FEE. Owners/operators of banca or vessels who are residents of this municipality shall pay to the Municipal Treasurer or his/her duly authorized representative a registration fee per annum in accordance with the following schedule:

- | | |
|--|------------------|
| <i>a. Fishing vessels without motor</i> | <i>Php 50.00</i> |
| <i>b. Fishing vessels not more than 1 ton
propelled by a 1-cylinder engine</i> | <i>150.00</i> |
| <i>c. Fishing vessels more than 1 ton
but less than 2 tons</i> | <i>300.00</i> |
| <i>d. Fishing vessels more than 2 tons
but not more than 3 tons</i> | <i>400.00</i> |

Renewal of the annual registration fee shall be on the 20th day of January each year.

SECTION 18. SURCHARGE FOR LATE PAYMENT. Failure to pay the imposed fees in this article within the time prescribed shall subject the owner/operator of the vessel to a surcharge of 20% of the fees due;

SECTION 19. FAILURE TO REGISTER AFTER DUE NOTICE. Failure of the owner/operator to register the vessel after due notice shall be fined in the amount of Php 500.00. If he still fails to register after a second and final notice, the vessel shall be impounded until such time all of the fees and surcharges have been complied with;

ARTICLE VI

PROHIBITIONS

SECTION 20. PROHIBITIONS.

- a. The following acts are strictly prohibited within the municipal territorial waters of Taytay, Rizal:*

- 1. Electro-fishing*
- 2. Use of poisonous substances*
- 3. Skylab*
- 4. Kaladkad*
- 5. Suro, Sakag, Trawl*
- 6. Use of fishing nets with a hole dimension of more than 7 mm.
or fine mesh net*
- 7. Illegal possession and catching of fingerlings*

8. *Other forms of fishing that may destroy the aquatic resources or active gear*

b. *Acts that could pollute lake, foreshoreland, river and streams:*

1. *Dumping of wastes, harmful chemical substances and liquids*
2. *Dumping of garbage*
3. *The use of chemical spray on vegetable plants near the lake or foreshoreland.*

SECTION 21. CREATION OF BANTAY LAWAWA. The Municipal Mayor is hereby authorized to create Bantay Lawa to assist the municipality in the implementation of this ordinance;

ARTICLE VII

PENAL PROVISIONS

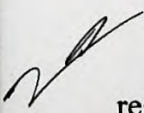
SECTION 22. PENAL CLAUSE. Any violation of the provisions of this code not herein otherwise covered by a specific penalty, or of the rules and regulations promulgated under the authority of this ordinance, shall be punished by a fine of not less than Php 1,000.00 not more than Php 2,500.00 or an imprisonment of not less than three (3) months not more than six (6) months or both for every violation at the discretion of the court;

Fishing gears and fishing vessels used in prohibited acts shall be confiscated. Fishing gears shall be destroyed and fishing vessels shall only be returned upon payment of penalty. Payment of fine (s) or service of imprisonment as herein provided shall not relieve the offender from the payment of the delinquent fee or charge imposed under this ordinance.

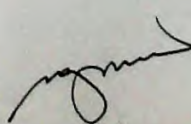
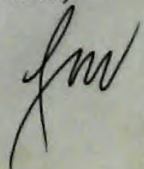
If the violation is committed by a judiciary entity, the President, General Manager of any person entrusted with the administration thereof at the time of the commission of the violation shall be held responsible or liable thereof.

ARTICLE VIII

FINAL PROVISION

 **SECTION 23. REPEALING CLAUSE.** All ordinances, rules and regulations, in conflict with or inconsistent with any provision of this ordinance are hereby repealed or modified accordingly;

SECTION 24. SEPARABILITY CLAUSE. If for any reason or reasons, any part of this ordinance shall be held unconstitutional or invalid,

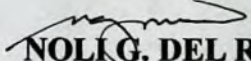
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other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect;

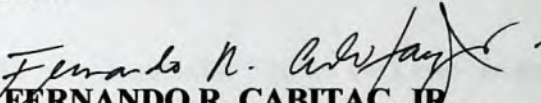
SECTION 25. EFFECTIVITY. This ordinance shall take effect immediately upon approval;

ENACTED, on the 12th day of September, 2005 on motion of Coun. Reggie Lynn G. Mascardo and unanimously approved.

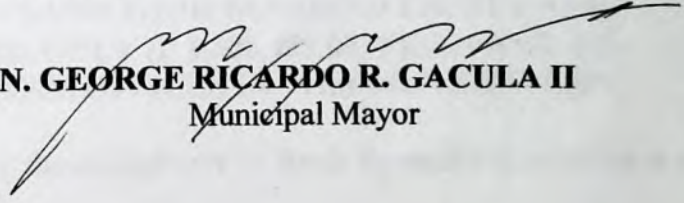
I HEREBY CERTIFY, to the correctness of the foregoing Ordinance which was duly adopted by the Sangguniang Bayan of Taytay during its Regular Session held on the 12th day of September, 2005.


NOLI G. DEL ROSARIO
Secretary to the Sangguniang Bayan

ATTESTED AND CERTIFIED TO BE DULY
ENACTED BY HIS HONOR


HON. FERNANDO R. CABITAC, JR.
Vice Mayor/Presiding Officer 09/21/05

APPROVED BY HIS HONOR
THE MUNICIPAL MAYOR


HON. GEORGE RICARDO R. GACULA II
Municipal Mayor