



Republic of the Philippines
Province of Cavite
MUNICIPALITY OF BACOOR
Office of the Sangguniang Bayan

MUNICIPAL ORDINANCE NO. 25
Series of 2009

AN ORDINANCE REGULATING THE OPERATION OF OYSTER/MUSSEL FARMS AND OTHER SIMILAR STRUCTURES AND BUSINESSES WITHIN BACOOR, CAVITE AND PROVIDING PENALTIES FOR VIOLATIONS HEREOF.

Sponsored by Hon. Avelino B. Solis

WHEREAS, the cultivation of tahong (mussels), talaba (oysters) and other marine products has been one of the pillars of the local economy of Bacoor, Cavite for generations.

WHEREAS, the proliferation of illegal fishpens, fish cagers, fish corrals and similar structures within the municipal waters of Bacoor are endangering the local aquaculture industry resulting in the economic displacement of hundreds of families residing in Bacoor that are dependent thereon.

WHEREAS, the unregulated operation of the said fishpens and other similar structures also contributed to the massive water pollution in Bacoor Bay.

WHEREAS, Section 447 (vi) of Republic Act No. 7160 empowered the Sangguniang Bayan to pass ordinances that "protect the environment and impose appropriate penalties for acts which endanger the environment, such as dynamite fishing and other forms of destructive fishing, illegal logging and smuggling of logs, smuggling of natural resources products and of endangered species of flora and fauna, slash and burn farming, and such other activities which result in pollution, acceleration of eutrophication of rivers and lakes, or of ecological imbalance".

BAGONG BACOOR!

NOW THEREFORE, upon the unanimous vote of the Sangguniang Bayan in regular session assembled, **BE IT ORDAINED AS IT IS HEREBY ORDAINED** to wit:

Section 1. Title. -- This Ordinance shall also be known as the "Mussel/Oyster Farming Ordinance of Bacoor".

ROLANDO S. REMULLA
Counselor

AVELINO B. SOLIS
Counselor

HUBERT V. GERVACIO
Counselor

REYNALDO M. FABIAN
Counselor

NORMITA D. CELESTINO
Counselor

AVELINO S. DE CASTRO
Counselor

MIGUEL N. BAUTISTA
Counselor

BAYANI M. DE LEON
Counselor

CATHERINE F. SARINO
Counselor / BC President

JOANNE LOUISE A. OLEGARIO
Counselor / BC President

Attested by:

ATTY. KHALID A. ATENA JR.
Secretary to the Sangguniang

Certified by:

ROSETTE MIRANDA FERNANDO
Municipal Vice Mayor/Presiding Officer

Approved by:

STRIK REVILLA
Municipal Mayor



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[Signature]
 ROLANDO S. REMULLA
 Councilor

[Signature]
 AVELINO B. SOLIS
 Councilor

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 HUBERT V. GERVACIO
 Councilor

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 REYNALDO M. FABIAN
 Councilor

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 NORMITA D. CELESTINO
 Councilor

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 AVELINO S. DE CASTRO
 Councilor

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 MIGUEL N. BAUTISTA
 Councilor

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 BAYANI M. DE LEON
 Councilor

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 CATHERINE H. SARINO
 Councilor - AIC President

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 GRACIE LOUISE A. OLEGARIO
 Councilor - SK President

Attested by:
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ATTY. KHALID A. ATEGA JR.
 Secretary to the Sanggunian

Certified by:

[Signature]
 ROSBETTE MIRANDA FERNANDO
 Municipal Vice Mayor/Presiding Officer

Approved by:

[Signature]
 STRIKE REVILLA
 Municipal Mayor

Section 2. Statement of Policy. -- It shall be the policy of the municipal government of Bacoor, Cavite to protect its municipal waters from environmental degradation while enhancing the economic viability of the local aquaculture industry for the preferential benefit of the residents of the municipality by strictly regulating the operation and construction of oyster/mussel farms and other similar structures and businesses as well as the operation of various privately owned aquaculture businesses within Bacoor.

Section 3. Municipal Waters Defined. -- The term "municipal waters" as used in this ordinance shall include not only streams, lakes, inland bodies of water and tidal waters within the municipality of Bacoor which are not included within the protected areas as defined under Republic Act No. 7586 (the "NIPAS Law"), public forest, timber lands, forest reserves or fishery reserves, but also marine waters included between two (2) lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline including offshore inlands and fifteen (15) kilometers from such coastline as well as all lands devoted to aquaculture, or businesses and activities relating to fishery, whether private or public lands located within the territorial jurisdiction of Bacoor, Cavite.

The said term shall also refer to the general coastline of the municipality of Bacoor, Cavite with a total area of 814.364 hectares with the following meters and bounds described as follows:

Point	Latitude	Longitude	Remarks
Beginning at 1	14°27'48"	120°55'24"	Coastal terminal point
thence 2	14°28'35"	120°55'22"	
thence 3	14°29'34"	120°56'29"	
thence 4	14°29'38"	120°56'34"	
thence 5	14°28';37"	120°58'02"	Coastal terminal point
thence following the coastline to 1			





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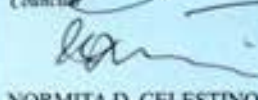
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ROLANDO S. REMULLA
Counselor

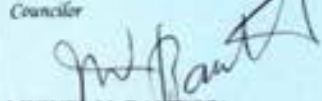

AVELINO B. SOLIS
Counselor



HUBERT V. GERVACIO
Counselor


REY SALDO M. FABIAN
Counselor



NORMITA D. CELESTINO
Counselor


AVELINO S. DE CASTRO
Counselor


MIGUEL N. BAUTISTA
Counselor

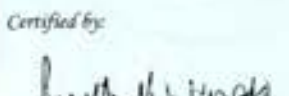

BAYANI M. DE LEON
Counselor


CATHERINE H. SARINO
Counselor - BC President


GLORINE LOUISE A. OLEGARIO
Counselor - SK President

Attested by:

ATTY. KHALID A. ATEGA JR.
Secretary to the Sanggunian

Certified by:

ROSETTE MIRANDA FERNANDO
Municipal Vice Mayor/Presiding Officer

Approved by:

STRIKE REVILLA
Municipal Mayor

Section 4. Aquaculture Zones defined - The term "aquaculture zones" as used in this Ordinance shall refer to areas located within the municipal waters of Bacoor- which may or may not be contiguous- devoted to fishery operations involving all forms of raising and culturing of fish and other fishery species in fresh, brackish and marine or salt water areas.

Section 5. Fish Cage Defined- The term "fish cage" as used in this Ordinance shall refer to an enclosure which is either stationary or floating made up of nets or screens sewn or fastened together and installed in the water with opening at the surface or covered and held in place by wooden/bamboo posts or various types of anchors and floats.

Section 6. Fish Coral or "Baklad" Defined - The term "fish corral" or "baklad" as used in this Ordinance shall refer to stationary wire or trap devised to intercept and capture fish consisting of rows of bamboo stakes, plastic nets and other materials fenced with split bamboo mattings or wire mattings with one or more enclosures, usually with easy entrance but difficult exit, and with or without leaders to direct the fish to the catching chambers, purse or bags.

Section 7. Fishpen Defined - The term "fishpen" as used in this Ordinance shall refer to an artificial enclosure constructed within a body of water for culturing fish and fishery/aquatic resources made up of poles closely arranged in an enclosure with wooden materials, screen or nylon netting to prevent escape of fish or any similar structure or contrivance.


Section 8. Fishpond Defined - The term "fishpond" as used in this Ordinance shall refer to a land-based facility enclosed with earthen or stone material to impound water for growing fish and other marine products or for the cleaning or processing of such products.


Section 9. Mussel/Oyster Farm defined - an area more or less contiguous where bamboo poles (to be referred also hereinafter as "tulos") are embedded on the seabed on which mussels (tahong) and/or oysters (talaba) germinate and grow.


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ROLANDO S. BEMULLA
Councilor

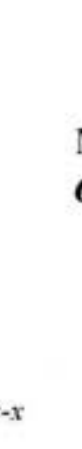

AVELINO B. SOLIS
Councilor



HUBERT V. GERVACIO
Councilor


REYNALDO M. FABIAN
Councilor


NORMITA D. CELESTINO
Councilor


AVELINO S. DE CASTRO
Councilor


MIGUEL N. BAUTISTA
Councilor


BAYANT M. DE LEON
Councilor



CATHERINE D. SARINO
Councilor, NBC President


ANNE LOUISE A. OLEGARIO
Councilor - SK President

Attested by:


ATTY. KHALID A. ATEGA
Secretary to the Sanggunian

Certified by:


ROSSETTE MIRANDA FERNANDO
Municipal Vice Mayor/Presiding Officer

Approved by:


STRIKE REVILLA
Municipal Mayor

Section 10. Power to Define Aquaculture Zones. --- The Municipal Mayor is hereby empowered to define such areas within the municipal waters of Bacoor, which may or may not be contiguous or adjoining each other, where mussel/oyster farms and other similar structures or businesses intended to be used for aquaculture activities. Provided, that such power may not be exercised by the Municipal Mayor without first consulting with the Fisheries and Aquatic Resources Management Council (FARMC) of Bacoor and without securing the approval of the Sangguniang Bayan as required under Section 16 of Republic Act No. 8550 (also known as the "Philippine Fisheries Code of 1998").

Section 11. Regulated Operation of Mussel/Oyster Farms and other Similar Structures or Businesses.--- Pursuant to Section 51 of Republic Act No. 8550, the operation and construction of mussel/oyster farm and other similar structures or businesses for the culture of fish and other fishery products shall be allowed hereunder provided that the same shall only be constructed and shall only operate within the aquaculture zone/s duly designated by the Municipal Mayor. Provided, however, that not over ten percent (10%) of the suitable water surface area of the municipal waters of Bacoor shall be allotted for aquaculture purposes like fish pens, fish cages and fish traps; and the stocking density and feeding requirements which shall be controlled and determined by its carrying capacity. Provided, further, that the design, location, construction, and operation of the structures covered by this Ordinance shall be subject to the various regulations to be promulgated by the Office of the Municipal Mayor in consultation with the FARMC after this Ordinance takes effect. Provided, lastly, that such regulations must be in compliance with law and this Ordinance.

Section 12. Prohibited Acts.--- The commission of any of the following act/s shall be deemed a violation of this Ordinance, to wit:

12.1. Construction and operation of an oyster/mussel farm or any other similar structure or business within the municipal waters of Bacoor without a permit or license issued by the Municipal Agriculture Office and approved by the Municipal Mayor;



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ROLANDO S. REMULLA
 Councilor

AVELINO B. SOLIS
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MIGUEL N. BAUTISTA
 Councilor

BAYANI M. DE LEON
 Councilor

CATHERINE H. SARINO
 Councilor - ABC President

GENE LOUISE A. OLEGARIO
 Councilor - SK President

Attested by:

ATTY. KHALID A. ATEGA JR.
 Secretary to the Sanggunian

Certified by:

ROSETTE MIRANDA FERNANDO
 Municipal Vice Mayor/Presiding Officer

Approved by:

STRIKE REVILLA
 Municipal Mayor

12.2. Construction and operation of an oyster/mussel farm or any other similar structure or business within the municipal waters of Bacoor by an individual who is not a resident of Bacoor. Provided, that fisherfolk organizations and cooperatives who are duly registered with the FARMC and the Municipal Agriculture Office shall have preference in the grant of fishery rights under this Ordinance pursuant to Section 149 of the Local Government Code of 1991 and Section 17 of R.A. 8550;

12.3. Refusal or failure to pay any of the fees imposed under this Ordinance within the period/s prescribed hereunder by the owner, manager or operator of an oyster/mussel farm or any other similar structure or business;

12.4. Refusal to allow the inspection of an oyster/mussel farm or any other similar structure or business operating within the municipal waters of Bacoor by any duly-authorized municipal employee including the officers of the FARMC of Bacoor and non-government organizations (NGO's) duly-accredited and duly-authorized by the municipal government to conduct such inspections; and

12.5. Refusal or failure to comply with any requirement/s under prevailing Philippine laws.

Section 13, Imposition of Fees.— The following fees shall be paid by the owners or operators of all fish cages, fish corrals, fishpens, fishponds, oyster/mussel farms and other similar structures and businesses covered by this Ordinance within the first month of every year following the date of effectivity of this Ordinance, to wit:

13.1. Fish cages, fish corrals, fish pens with an area of Fee

500 sq.m. or less	P 550.00
501 sq.m. or more but less than 1,000 sq.m.	850.00
1,001 sq.m. or more but not less than 5,000 sq.m.	1,150.00
5,001 sq.m. or more but not less than 10,000 sq.m.	1,450.00
10,001 sq.m. or more	1,950.00





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Counselor/ABC President

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Counselor - SK President

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Secretary to the Sanggunian

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Municipal Vice Mayor/Presiding Officer

Approved by:

[Signature]
STRIKE REVILLA
Municipal Mayor

13.2 Operation of mussel/oyster farm/s

For every square meter P 0.50

13.3 For grant of privilege to fish in municipal Waters with the use of nets

For nets used in catching shrimp P 65.00/user

For nets used in catching crabs P 70.00/user

For nets used in catching fish and other marine Animals P 75.00/user


Section 14. Procedure for Application for License and Permits.— Any natural person covered by this Ordinance shall obtain a license to use the fishnets mentioned above and a permit to operate the fish cages, fish corrals, fishpens, oyster/mussel farms and fishponds defined under this Ordinance: Provided, that such operation shall be in strict compliance with all the provisions of this Ordinance. An inspection of the area covered by the application must first be conducted by the Municipal Agriculture Office before any such permit or license shall be issued to the applicant. To prove that the said inspection was duly conducted, the Municipal Agriculture Office shall issue two (2) original copies of its inspection report in favor of the applicant. The fee/s to be paid by the applicant, the exact area where the structure covered by the application should be constructed, and the names and addresses of its owner/s should be indicated in the said inspection report. The said inspection report must approved and signed by the Municipal Mayor before it is release to the applicant.


Section 15. Issuance of Receipts, Licenses, and Permits.— The applicant shall then submit one (1) copy of the inspection report mentioned above to the Office of the Municipal Treasurer. Once it finds the inspection report to be in order, the Office of the Municipal Treasurer shall then accept payment from the payee. Immediately after the above-mentioned fees have been paid, the Municipal Treasurer shall issue an official receipt in favor of the payee, as well as a specially-designed water proof sticker which bear the words "Fishnet License No. ___" or "Aquabusiness Permit No. ___" to the applicant as the case may be. The applicant shall then attach and display the said sticker on his boat or on any conspicuous area within his mussel/oyster farm or any similar

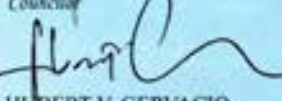



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ROLANDO S. REMULLA
Councillor


AVELINO B. SOLIS
Councillor



HUBERT V. GERVACIO
Councillor



REYNALDO M. PABLAN
Councillor

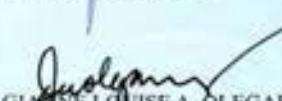

NORMITA D. CELESTINO
Councillor


AVELINO S. DE CASTRO
Councillor


MIGUEL N. BAUTISTA
Councillor


BAYANI M. DE LEON
Councillor

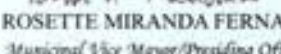

CATHERINE H. SARINO
Councillor / ABC President


GLORINE LOUISE A. OLEGARIO
Councillor - SK President

Attested by:


ATTY. KHALID A. ATEGA JR.
Secretary to the Sanggunian

Certified by:


ROSETTE MIRANDA FERNANDO
Municipal Vice Mayor/Presiding Officer

Approved by:


STRIKE REVILLA
Municipal Mayor

structure or business covered by this Ordinance. Provided, that in case the structure or business mentioned above is destroyed due to a natural calamity before the next payment period arrives, the owner or operator thereof shall be not be required to display said license or permit sticker. In which case, the duplicate original copy of the inspection report shall be considered sufficient proof of compliance with this Ordinance. Provided further, that no other fees for the cost of inspecting the areas covered by application for a permit or license other than those mentioned above shall be collected from the payee by any municipal employee. Provided, that mussel and oyster farms with an area of less than one thousand (1,000) square meters shall be exempted from paying business permits but not the permit to operate mentioned above.

Section 16. Surcharge for Late Payment.—A surcharge equivalent to 20% of the fee/s mentioned above shall be imposed on any person who fails to pay the said fee/s within the period specified in Section 13 hereof. The same surcharge shall be imposed against any person who fails to pay the said fines imposed against him by a court of law within twenty (20) days after the court's decision has become final.

Section 17. Interest on Unpaid or Underpaid Fines.—In case a person found to have violated this Ordinance fails to pay the fine/s imposed against him by a court of law or underpays such fine, an interest equivalent to 10% of the fine/s imposed or of the unpaid balance of such fine shall also be charged against him. The said 10% interest shall be collected annually until the said fine has been paid fully. Otherwise, no new permit or license shall be issued by the municipal government in favor of the said offender.

Section 18. Penalties.—Any fishpen, fish cage, fish corral, fish pond, oyster/mussel farms or any other similar structures or businesses found to be in violation of this Ordinance may be demolished by the municipal government. Provided, that the owner of such fish corral, fish cage, fishpen, fish pond, oyster/mussel farms shall first be notified in writing by the Municipal Agriculture Office and shall be given at least (five) days from receipt of such notice within which to pay the necessary fees or to comply with this Ordinance. Provided, further that if the owner of such structure/s fails to comply with this Ordinance despite his/her receipt of the above-mentioned notice, the municipal government shall initiate the proper court action against such owner and secure the necessary writ of demolition after a hearing on the merits.

Additionally, any person who violates any provision of this Ordinance shall be charged a fine of One Thousand Five Hundred Pesos (PhP 1,500.00) or shall be imprisoned for at least one (1) month but not more than six (6) months at the discretion of the proper courts of law.



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ROLANDO S. REMULLA
 Councilor

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AVELINO B. SOLIS
 Councilor

HUBERT V. GERVACIO
 Councilor

Section 19. Separability Clause— Should any provision hereof be declared void by any competent court of law, the other provisions of this Ordinance that are not affected thereby shall remain valid and enforceable.

REYNALDO M. TABIAN
 Councilor

Section 20. Effectivity—This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation in the Province of Cavite.

NORMITA D. CELESTINO
 Councilor

PASSED and ENACTED unanimously on third and final reading by the Sangguniang Bayan in regular session assembled this 17th day of December 2009 at Bacoor, Cavite.

AVELINO S. DE CASTRO
 Councilor

I hereby certified that the foregoing ordinance was passed and enacted on third and final reading by the Sangguniang Bayan of Bacoor, Cavite on the 17th day of December 2009.

MIGUEL N. BAUTISTA
 Councilor

Certified by:

BAYAN M. DE LEON
 Councilor

Rosette M. Fernando
HON. ROSETTE M. FERNANDO
 Municipal Vice-Mayor/ Presiding Officer

CATHERINE H. SARINO
 Councilor - SK President

Attested by:

JOHANNE LOUISE A. OLEGARIO
 Councilor - SK President

Khalid A. Atega Jr.
ATTY. KHALID A. ATEGA JR.
 Secretary to the Sangguniang Bayan

ATTY. KHALID A. ATEGA JR.
 Secretary to the Sanggunian

BAGONG BACOOR!
 Pagpat sa Serbisyo, Nagkakaisa sa Pagbabago...

Certified by:

ROSETTE MIRANDA FERNANDO
 Municipal Vice Mayor/Presiding Officer

Approved by:

STRIKE REVILLA
 Municipal Mayor

Approved by:
Stike B. Revilla 01/10
HON. STIKE B. REVILLA
 Municipal Mayor