

OFFICE OF THE SANGGUNIANG BAYAN

Municipal/City Ordinance No. 02
Series of 2016

AN ORDINANCE ADOPTING THE REGISTRATION OF FISHING VESSELS 3GT AND BELOW IN THE MUNICIPALITY OF BACDOR, PROVINCE OF CAVITE, PROVIDING PENALTIES FOR VIOLATION THEREOF.

Be it enacted by the *Sangguniang Bayan of Bacoor, Cavite*.

Section 1. TITLE - The ordinance shall be known as the "*Fishing Vessel Registration Ordinance of Bacoor*"

Section 2. SCOPE- The ordinance shall cover all fishing vessels 3GT and below operating within the Municipal Waters of the Municipality of Bacoor

Section 3. POLICY- It is the policy of the Municipality of Bacoor to promote the proper management, conservation, development, protection, and utilization of its Municipal Waters. It shall regulate the utilization of its coastal and fishery resources. It shall be achieved through registration of fishing vessels 3 GT and below thereby giving priority to the residents by limiting access to the fishery and aquatic resources of the Municipality giving priority to the residents and to protect the rights of the fisher folk in the preferential use of Municipal waters by limiting. [T]

Section 4. DEFINITION OF TERMS - As used in this Ordinance, the following terms are defined as follows.

ADMEASUREMENTS

- The measure of the volumetric capacity of the fishing vessel to determine its GT.

BFAR

- Bureau of Fisheries and Aquatic Resources

CERTIFICATE OF NUMBER

- Proof of identity of fishing vessel

FISHERFOLK

- People directly or indirectly personally or physically engaged in taking and/or culturing and processing fishery and or aquatic resources.

FISHERFOLK COOPERATIVE

- A duly registered association of fisher folk with a common bond 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 undertaking in accordance with universally accepted cooperative principles.

MOTORIZED FISHING VESSEL

- Any watercraft used for fishing or in support to fishing operations in Municipal Waters weighing three (3) GT and below.

GROSS TONNAGE

- The product of vessel tonnage length, vessel depth, and vessel modified by a factor of 0.70 divided by 2.83.

HOMEPORT

- Refers to the locality where the fishing vessel is registered

LGUs

- Local government units, refer to Cities and Municipalities

LICENSE/PERMIT OF FISH

- The privilege to fish in its Municipal Water granted to registered fisher folk by the LGU.

MARINA

- Maritime Industry Authority

PNP MARIG

- Philippine National Police Maritime Group

PCG

- Philippine Coast Guard

MOTORIZED FISHING VESSEL

- A fishing vessel propelled by mechanical means.

MUNICIPAL WATERS

- Include not only streams, lakes inland bodies of water and tidal waters within the Municipality which are not included within the protected areas as defined under Republic Act No. 7586 THE NIPAS LAW, public forest, timber lands, forest reserves or fishery reserves, but also marine waters included between two (2) lines drawn perpendicular to the general coastline from points where the boundary lines of the Municipality touch the sea at low tide and a third line parallel with the general coastline including offshore islands and fifteen (15) kilometers from such coastline. 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 the opposite shore of the respective Municipalities.

Under the ARMM Aquatic and Fisheries Code, Municipal Waters only extend twelve (12) kilometers from the coastline.

NET TONNAGE

- The GT modified by a factor 0.32

REGISTERED BREADTH

- The transverse distance taken at a widest part of the hull, excluding rub rails from the outer board side of the skin on one side of the hull to the outboard side of the skin on the other side of the hull.

REGISTERED DEPTH

- The vertical distance taken at or near mid ships from a line drawn horizontally through the gunwale of the skin of the sides of the hull (excluding the rail) to the outboard face of the bottom skin of the hull, excluding the keel.

REGISTERED LENGTH

- The horizontal distance between the outboard side of the foremost part of the stem and the outboard side of the aftermost part of the stem, excluding fittings and attachments.

REGISTRATION

- An act/process of enlisting a fishing vessel three (3) GT and below for the purpose of establishing its identity and ownership by assigning it a permanent number [recorded in the Municipal Registry of Municipal Fishing Vessels]

TONNAGE BREADTH

- Measured at the mid part from the gunwale inside of the skin of the hull to the inside of the skin on the other side of the hull.

TONNAGE DEPTH

- Measured at the centerline from a point below the line of tonnage deck. Measurement taken at right angle to the vessel centerline of the vessel down to the inboard of the bottom skin of the hull.

TONNAGE LENGTH

- The length measured at the center line of the fishing vessel from the point forward where the line of the tonnage deck intersects the line of the inboard faces at the stem to the point aft where the line of the tonnage deck intersects the inboard face of the stem.

Section 5 REGISTRATION OF FISHING VESSELS – All fishing vessels three (3) GT and below shall be registered with the Municipality/City through the MA

Section 6. REGISTRY OF FISHING VESSELS - The Municipality of Bagoor through the Municipal Agriculturist Office shall keep a registry of fishing vessels 3 GT and below. The registry shall be for purpose of information generation, monitoring and regulation, establishment of identity and ownership of vessels, maritime safety.

REQUIREMENTS OF REGISTRATION

- 1.) Registered fisher folk
- 2.) BFARMC Clearance,
- 3.) Colored apple green,
- 4.) Picture of 4x8,
- 5.) Name of Barangay with letters, 6 inches length, 1 inch. width

The MA shall maintain and update the registry of fishing vessels with the assistance of the MFARMC/BFARMC and submit the updated registries to the OFFICE OF THE MAYOR. The LGU shall regularly submit the list of fishing vessels registered and deleted/cancelled from the registry within the first quarter of the succeeding year to the MARINA Central Office or Regional Office concerned, the PCG Station/Detachment and DA-BFARMC. The Barangay Councils shall be furnished a copy of the registry to be posted in barangay halls and in other strategic locations where it shall be accessible to the public for validation of the correctness and completeness of the list.

Section 7. ELIGIBILITY FOR FISHING VESSEL REGISTRATION- Only those fishing vessels which are owned by Filipino citizens, single proprietorship and/or corporations fully owned by Filipinos, and duly registered or accredited fisher folk associations and cooperatives shall be eligible for registration.

Section 8. GENERAL REGISTRATION GUIDELINES FOR ISSUANCE OF CERTIFICATE OF NUMBER (CN)

The applicant shall submit to the MA the following documents:

- a) Duly Accomplished Standard Registration Application under oath using a standard application (Annex A)
- b) Certified Standard Tonnage Admeasurements Form (Annex "B")
- c) Clearance from the PNP-Maritime Group Headquarters or local PNP certifying that the fishing vessel is not involved in any criminal offense.
- d) Official Receipt of Purchase of Engine
- e) Police Clearance that the engine purchased is not from a car napped/stolen vessel, and
- f) Official receipt evidencing payment of corresponding vessel registration fees.

The MA shall verify and evaluate the submitted documents and upon finding that the registrant has complied with all the documentary requirements and has paid the registration fee, the MA shall process and facilitate the issuance of the CN (Annex C) for approval of the Municipal/City Mayor or his duly authorized representative.

Section 9. ISSUANCE OF NEW CN

The Municipality/City shall issue a new CN in case the fishing vessel changes its homeport. A change in homeport may occur in case the owner/operator decides to change residence or principal office, or sells or transfers ownership of the fishing vessel to a person or entity with domicile in another local government unit, the Municipality/City shall, upon application for change of homeport, issue a certificate of clearance and shall delete the registration of such fishing vessel from its register.

No Clearance for the change of homeport shall be issued by the current homeport under the following instances:

- > the single proprietorship, partnership, corporation or fisher folk cooperative has no branch office in the intended homeport;
- > there is an outstanding safety requirement, which the fishing vessel has to comply
- > the fishing vessel is involved in a pending criminal or administrative case for violation of a fishery law or ordinance or a civil case regarding questions of ownership.

The new homeport shall issue a new CN upon filing of an application for issuance of a new CN supported by the following documents:

- a) the original copy of the CN , and clearance to change homeport issued by the current homeport,
- b) Clearance to change homeport issued by the current homeport.

Upon approval of the change of homeport, all records pertaining to the vessel shall be transmitted by the previous homeport to the new homeport.

Section 10. RE-ISSUANCE OF CN. - The Municipality /City shall re-issue the CN in the following instances:

- a) change in ownerships or transfer of the fishing vessel without change in homeports
- b) change in the engine of motorized fishing vessel,
- c) change of name and,
- d) loss of CN

A. In case the fishing vessel is the subject of sale or transfer of ownership, the Municipality/City shall re-issue the CN, containing the amended information on ownership upon application of the new owner or transferee, and subject to compliance with following requirements:

- a) Submission of a duly notarized Deed of Absolute Sale;
- b) Posting in the Barangay or Town Hall for seven (7) consecutive days giving notice that the fishing vessel has been sold or transferred to a new owner;
- c) Affidavit of Posting executed by the Punong Barangay or Municipal Mayor that said notice had been posted in the premises and that there are no oppositors to the fishing vessel's sale, and
- d) Original copy of the CN

B. IN CASE OF CHANGE IN THE ENGINE

In case of replacement of vessel engine, an application for the issuance of new CN shall be filed with the current homeport accompanied by the following documents:

- a) The original copy of the CN
- b) Official Receipt of Purchase of Engine, and
- c) Police Clearance that the engine purchased is not from a car napped/stolen vessel.

C. CHANGE OF NAME OF THE FISHING VESSEL

The Municipality shall re-issue a CN when an owner or operator desires to change the name of his fishing vessel, upon application filed with the current homeport, stating the reason for such.

An application for change of name shall not be approved if the fishing vessel is involved in civil case regarding question of ownership or in a criminal or civil case for violation of a fishery law or ordinance,

Only application with complete documentary requirements shall be accepted. The following are the documents that should be attached to the application.

- a) The original copy of the CN;
- b) The Posting of a notice in the Barangay or Municipal Hall on the Change of Name of the fishing vessel, for a period of seven (7) consecutive days,
- c) Affidavit of Posting executed by the Punong Barangay or Municipal Mayor that notice had been posted and that no opposition or claims were filed against the vessel during the seven-day period of posting.

D. LOSS OF CN

- a) Affidavit of loss, and
- b) Certified photocopy of the original CN

Section 11 VESSELS MARKING OR COLOR CODING

For easy identification of fishing vessels from the Municipality all duly registered fishing vessels operating in the Municipal Waters shall be assigned an official number and a name and shall be painted a mark/color Apple Green pursuant to Annex D.

Section 12 DELETIONS AND CANCELLATION OF FISHING VESSEL REGISTRATION

The fishing vessel registration shall be deleted or canceled under the following circumstances.

- a) Loss or decay of the fishing vessel
- b) Involvement of the vessel in a marine/maritime incident
- c) Transfer of Municipal area of operation of the fishing vessel, and
- d) Such other lawful causes.

Under the foregoing circumstances, the owner/operator of the subject vessel shall immediately inform the Municipality.

Section 13. MONITORING OF REGISTERED FISHING VESSEL.

The LGU shall institute a monitoring system to determine compliance with EO 305 and its implementing guidelines.

The LGU shall take in consideration in its legislation other factors to guide them in approving the registration of fishing vessels, such as but not limited to the carrying capacity of its marine resources and the constitutional and statutory preferential rights of Municipal Fisher folk within Municipal Waters.

Section 14. SCHEDULE OF FEES

The Municipality shall exact payment of registration fees in the amount of P 270.00

Mayor's Permit	P100, 00
Registration of Fishing Banca	P170, 00


Section 15. Fines and Penalties

1 st offense	P 500.00
2 nd offense	P1000.00
3 rd offense	P1,500.00

Section 16. REPEALING CLAUSE - All ordinances, circulars, orders and issuances inconsistent here to are hereby repeated and/or revoked.


Section 17. EFFECTIVITY -This Ordinance shall take effect fifteen (15) days after its publication in the local newspaper or posting in three (3) public places.

ENACTED by the Sangguniang Bayan this 20th day of June 2006.



HON. EDRALYN G. GAWARAN


HON. GERTRUDES M. OCAMPO



HON. HUBERT V. GERVACIO

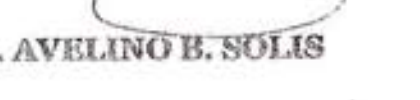

HON. NORMITA D. CELESTINO



HON. AVELINO S. DE CASTRO


HON. LORENZO P. NOLASCO

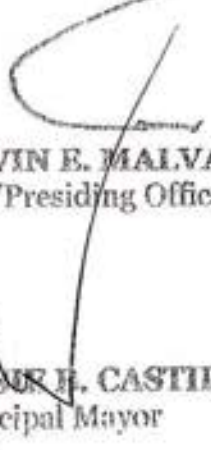

HON. PETER SIMON C. LARA


HON. ROBERTO J. SAQUITAN


HON. AVELINO B. SOLIS


HON. MARIENNE JOYCE CASTILLO
(absent)

ATTESTED BY:


HON. EDWIN E. MALVAR
Vice-Mayor/Presiding Officer

APPROVED BY:


HON. JESSUR B. CASTILLO
Municipal Mayor

MUNICIPALITY	CANTON
DATE	